

**EIGHTY-FIFTH GENERAL ASSEMBLY
2013 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MAY 8, 2013

**HOUSE AMENDMENT TO
SENATE FILE 338**

S-3224

1 Amend Senate File 338, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 137G.1 Food vendor -
5 motor vehicle - background check.
6 1. A business that operates a motor vehicle
7 primarily marketing the sale and dispensing of ice
8 cream or other food products from or near the motor
9 vehicle to children may require an applicant for
10 employment or employee of the business to be subject to
11 a criminal history and abuse registry record background
12 check. The business shall perform the background check
13 by accessing the single contact repository established
14 under section 135C.33, subsection 6.
15 2. The business shall inform the applicant or
16 employee of the requirement of the background check
17 required under subsection 1 and obtain a signed waiver
18 from the applicant or employee prior to requesting such
19 a check.
20 Sec. _____. Section 235A.15, subsection 2, paragraph
21 e, Code 2013, is amended by adding the following new
22 subparagraph:
23 NEW SUBPARAGRAPH. (24) To a business which is
24 authorized to perform a background check pursuant to
25 section 137G.1.
26 Sec. _____. Section 235B.6, subsection 2, paragraph
27 e, Code 2013, is amended by adding the following new
28 subparagraph:
29 NEW SUBPARAGRAPH. (19) To a business which is
30 authorized to perform a background check pursuant to
31 section 137G.1.>
32 2. Page 1, by striking lines 5 and 6 and inserting
33 <review the sex offender registry>
34 3. Page 1, by striking lines 12 through 16 and
35 inserting <district shall implement a consistent policy
36 to follow the same procedure for each school employee
37 employed by the school district on or after July
38 1, 2013, at least every five years after the school
39 employee's date of hire. A school district shall not
40 charge>
41 4. Page 2, after line 1 by inserting:
42 <Sec. _____. Section 298.4, subsection 1, Code 2013,
43 is amended by adding the following new paragraph:
44 NEW PARAGRAPH. f. To pay the cost of background
45 investigations under section 279.69.>
46 5. Page 2, line 6, by striking <257.16> and
47 inserting <257.16, or from the district management levy
48 under section 298.4>
49 6. Title page, line 1, after <employees> by
50 inserting <and certain food vendors>

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Page 2

1 7. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3224 FILED MAY 7, 2013

HOUSE AMENDMENT TO

SENATE FILE 371

S-3233

1 Amend Senate File 371, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 2, lines 4 and 5, by striking <corporation

4 which is exempt from taxation under section 501(c)(3)>

5 and inserting <entity which is exempt from federal

6 income taxation pursuant to section 501(c)>

RECEIVED FROM THE HOUSE

S-3233 FILED MAY 7, 2013

HOUSE AMENDMENT TO
SENATE FILE 432

S-3225

1 Amend Senate File 432, as passed by the Senate, as
2 follows:

3 1. Page 4, after line 16 by inserting:

4 <DIVISION ____
5 EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION
6 Sec. _____. EDUCATIONAL INSTITUTION PROPERTY TAX
7 EXEMPTION – FILING. Notwithstanding the requirement
8 for the filing of a statement claiming the property
9 tax exemption by February 1 as provided in section
10 427.1, subsection 9, for the assessment year beginning
11 January 1, 2013, the statement claiming the exemption
12 under section 427.1, subsection 9, for property owned
13 by an educational institution as part of its endowment
14 fund that was acquired by the educational institution
15 from a governmental entity after January 1, 2012, and
16 that is located in a county having a population of
17 at least two hundred thousand but not more than two
18 hundred fifty thousand according to the 2010 federal
19 decennial census, shall be filed not later than thirty
20 days following the effective date of this division of
21 this Act.

22 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
23 of this Act, being deemed of immediate importance,
24 takes effect upon enactment.

25 Sec. _____. RETROACTIVE APPLICABILITY. This division
26 of this Act applies retroactively to January 1, 2013,
27 for assessment years beginning on or after that date.>

28 2. Title page, line 4, by striking <taxes> and
29 inserting <taxes, and including effective date and
30 retroactive applicability provisions>

31 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3225 FILED MAY 7, 2013

HOUSE AMENDMENT TO
SENATE FILE 436

S-3226

1 Amend Senate File 436, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 23, through page 2,
4 line 16.

5 2. Title page, by striking lines 2 through 4
6 and inserting <entertainment district tax credit by
7 modifying the definition of substantial rehabilitation,
8 the qualifications>

9 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3226 FILED MAY 7, 2013

S-3223

1 Amend the House amendment, S-3218, to Senate File
2 452, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 60,
5 line 29, and inserting:

6 <DIVISION I

7 STANDING APPROPRIATIONS AND RELATED MATTERS

8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
9 2014-2015.

10 1. For the budget process applicable to the fiscal
11 year beginning July 1, 2014, on or before October 1,
12 2013, in lieu of the information specified in section
13 8.23, subsection 1, unnumbered paragraph 1, and
14 paragraph "a", all departments and establishments of
15 the government shall transmit to the director of the
16 department of management, on blanks to be furnished
17 by the director, estimates of their expenditure
18 requirements, including every proposed expenditure, for
19 the ensuing fiscal year, together with supporting data
20 and explanations as called for by the director of the
21 department of management after consultation with the
22 legislative services agency.

23 2. The estimates of expenditure requirements
24 shall be in a form specified by the director of
25 the department of management, and the expenditure
26 requirements shall include all proposed expenditures
27 and shall be prioritized by program or the results to
28 be achieved. The estimates shall be accompanied by
29 performance measures for evaluating the effectiveness
30 of the programs or results.

31 Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS
32 - FY 2013-2014. Notwithstanding the standing
33 appropriations in the following designated sections for
34 the fiscal year beginning July 1, 2013, and ending June
35 30, 2014, the amounts appropriated from the general
36 fund of the state pursuant to these sections for the
37 following designated purposes shall not exceed the
38 following amounts:

39 1. For the work-study program under section 261.85:
40 \$ 500,000

41 The limitation of the appropriation in this
42 subsection 1 shall prevail over any provision in 2013
43 Iowa Acts, House File 604, or any other Act enacted
44 by the general assembly during the 2013 session, that
45 limits the standing appropriation for the fiscal year
46 beginning July 1, 2013, for the work-study program
47 under section 261.85 to zero.

48 2. For payment for nonpublic school transportation
49 under section 285.2:

50 \$ 8,560,931

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1 If the total approved claims for reimbursement for
 2 nonpublic school pupil transportation exceed the amount
 3 appropriated in accordance with this subsection, the
 4 department of education shall prorate the amount of
 5 each approved claim.

6 3. For the enforcement of chapter 453D relating to
 7 tobacco product manufacturers under section 453D.8:

8 \$ 18,416

9 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS

10 - FY 2014-2015. Notwithstanding the standing
 11 appropriations in the following designated sections for
 12 the fiscal year beginning July 1, 2014, and ending June
 13 30, 2015, the amounts appropriated from the general
 14 fund of the state pursuant to these sections for the
 15 following designated purposes shall not exceed the
 16 following amounts:

17 1. For payment for nonpublic school transportation
 18 under section 285.2:

19 \$ 8,560,931

20 If the total approved claims for reimbursement for
 21 nonpublic school pupil transportation exceed the amount
 22 appropriated in accordance with this subsection, the
 23 department of education shall prorate the amount of
 24 each approved claim.

25 2. For the enforcement of chapter 453D relating to
 26 tobacco product manufacturers under section 453D.8:

27 \$ 9,208

28 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID -

29 FY 2013-2014 - FY 2014-2015. In lieu of the
 30 appropriation provided in section 257.20, subsection 2,
 31 the appropriation for the fiscal years beginning July
 32 1, 2013, and July 1, 2014, for paying instructional
 33 support state aid under section 257.20 for fiscal years
 34 2013-2014 and 2014-2015 is zero.

35 Sec. 5. Section 8.8, Code 2013, is amended to read
 36 as follows:

37 8.8 Special olympics fund - appropriation.

38 A special olympics fund is created in the office
 39 of the treasurer of state under the control of the
 40 department of management. There is appropriated
 41 annually from the general fund of the state to the
 42 special olympics fund ~~fifty~~ one hundred thousand
 43 dollars for distribution to one or more organizations
 44 which administer special olympics programs benefiting
 45 the citizens of Iowa with disabilities.

46 DIVISION II

47 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

48 Sec. 6. INDIVIDUAL DEVELOPMENT ACCOUNT

49 PROGRAM. There is appropriated from the general fund
 50 of the state to the department of human rights for the

1 fiscal year beginning July 1, 2013, and ending June 30,
2 2014, the following amounts, or so much thereof as is
3 necessary, for the purposes designated:

4 For deposit in the individual development account
5 state match fund created in section 541A.7 to support
6 the operating organization providing individual
7 development accounts in Iowa:

8 \$ 250,000

9 Sec. 7. RENEWABLE ENERGY TRAINING AND
10 EDUCATION. There is appropriated from the general fund
11 of the state to the department of workforce development
12 for the following fiscal years, the following amounts,
13 or so much thereof as is necessary, to distribute for a
14 public purpose to an entity with a mission of educating
15 workers and the public in the various aspects of
16 renewable energy, its usage, and related occupational
17 opportunities:

18 1. FY 2013-2014

19 \$ 150,000

20 2. FY 2014-2015

21 \$ 150,000

22 Sec. 8. PUBLIC TRANSIT. There is appropriated from
23 the general fund of the state to the department of
24 transportation, for the fiscal year beginning July 1,
25 2012, and ending June 30, 2013, the following amount,
26 or so much thereof as is necessary, for the purposes
27 designated:

28 For distribution to the public transit systems in
29 the state for vehicle purchasing priorities:

30 \$ 5,000,000

31 For purposes of section 8.33, unencumbered or
32 unobligated moneys from the moneys appropriated in this
33 section shall not revert at the close of the fiscal
34 year but shall remain available for expenditure for the
35 purposes designated until the close of the fiscal year
36 that ends two years after the end of the fiscal year
37 for which the appropriation was made.

38 Sec. 9. AIR TRAFFIC CONTROL TOWER. There is
39 appropriated from the general fund of the state to
40 the department of transportation, for the fiscal year
41 beginning July 1, 2013, and ending June 30, 2014, the
42 following amount, or so much thereof as is necessary,
43 for the purposes designated:

44 For the public purpose of defraying costs associated
45 with the operation of a contract air traffic control
46 tower which holds an air agency certificate:

47 \$ 150,000

48 Moneys appropriated by this section shall be
49 distributed on a local match basis to the largest city
50 in a county with a population of more than 92,000 and

1 less than 95,000 as of the last preceding certified
2 federal census.

3 Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR – FTE
4 AUTHORIZATION. For purposes of the offices of the
5 governor and lieutenant governor, there is authorized
6 an additional 3.00 full-time equivalent positions above
7 those otherwise authorized pursuant to 2013 Iowa Acts,
8 House File 603, if enacted.

9 Sec. 11. Section 91C.7, subsection 1, Code 2013, is
10 amended to read as follows:

11 1. A contractor who is not registered with the
12 labor commissioner as required by this chapter shall
13 not be awarded a contract to perform work for the state
14 ~~or~~, an agency of the state, or a political subdivision
15 of the state.

16 Sec. 12. Section 99F.11, subsection 3, paragraph
17 d, subparagraph (3), Code 2013, is amended by striking
18 the subparagraph and inserting in lieu thereof the
19 following:

20 (3) One-half of the moneys remaining after the
21 appropriation in subparagraph (1) is appropriated to
22 the economic development authority for distribution
23 equally to the three state tourism regions to
24 develop public-private partnerships to market local
25 attractions.

26 Sec. 13. Section 135C.7, Code 2013, is amended by
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In addition to the
29 license fees listed in this section, there shall be
30 an annual assessment assessed to each licensee in an
31 amount to cover the cost of independent reviewers
32 provided pursuant to section 135C.42. The department
33 shall, in consultation with licensees, establish
34 the assessment amount by rule based on the award of
35 a request for proposals. The assessment shall be
36 retained by the department as a repayment receipt as
37 defined in section 8.2 and used for the purpose of
38 paying the cost of the independent reviewers.

39 Sec. 14. Section 144.26, Code 2013, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 5. Upon the activation of an
42 electronic death record system, each person with a
43 duty related to death certificates shall participate
44 in the electronic death record system. A person with
45 a duty related to a death certificate includes but
46 is not limited to a physician as defined in section
47 135.1, a physician assistant, an advanced registered
48 nurse practitioner, a funeral director, and a county
49 recorder.

50 Sec. 15. Section 216A.3, subsection 3, Code 2013,

1 is amended to read as follows:

2 3. A majority of the voting members of the board
3 shall constitute a quorum, and the affirmative vote of
4 two-thirds of the voting members present is necessary
5 for any substantive action taken by the board. The
6 board shall select a chairperson from the voting
7 members of the board. The board shall meet not less
8 than four times a year.

9 Sec. 16. Section 231.64, subsection 1, unnumbered
10 paragraph 1, Code 2013, is amended to read as follows:

11 The aging and disability resource center program
12 shall be administered by the department consistent
13 with the federal Act. The department shall designate
14 ~~participating entities~~ area agencies on aging to
15 establish a coordinated system for providing all of the
16 following:

17 Sec. 17. Section 257.11, subsection 6A, paragraph
18 a, subparagraph (1), as enacted by 2013 Iowa Acts,
19 House File 472, section 1, is amended to read as
20 follows:(1) In order to provide additional funding
21 to increase student opportunities and redirect more
22 resources to student programming for school districts
23 that share operational functions, a supplementary
24 weighting of two hundredths per pupil shall be assigned
25 to pupils enrolled in a district that shares with a
26 political subdivision one or more operational functions
27 of a curriculum director, school administration
28 manager, ~~mental health therapist~~, social worker,
29 school nurse, school counselor, or school librarian,
30 or one or more operational functions in the areas
31 of superintendent management, business management,
32 human resources, transportation, or operation and
33 maintenance for at least twenty percent of the school
34 year. The additional weighting shall be assigned
35 for each discrete operational function shared. The
36 operational function sharing arrangement does not
37 need to be a newly implemented sharing arrangement to
38 receive supplementary weighting under this subsection.
39 However, to receive supplementary weighting under
40 this subsection for an ongoing operational function
41 sharing arrangement that began before July 1, 2014, the
42 district shall submit information to the department
43 documenting the cost savings directly attributable
44 to the shared operational functions and describe
45 the district's consideration of additional shared
46 operational functions.

47 Sec. 18. Section 261.93, subsection 2, paragraph
48 b, subparagraph (4), Code 2013, is amended to read as
49 follows:

50 (4) Is the child of a fire fighter or police

1 officer included under section 97B.49B, who was killed
2 in the line of duty as determined by the Iowa public
3 employees' retirement system in accordance with section
4 97B.52, subsection 2.

5 Sec. 19. Section 306D.4, Code 2013, is amended to
6 read as follows:

7 306D.4 Scenic highway advertising.

8 1. The ~~state~~ department of transportation shall
9 have the authority to adopt rules to control the
10 erection of new advertising devices on a highway
11 designated as a scenic highway or scenic byway in order
12 to comply with federal requirements concerning the
13 implementation of a scenic byways program.

14 2. Notwithstanding subsection 1, if an advertising
15 device was lawfully erected along an interstate
16 highway within the corporate limits of a city prior to
17 designation of the highway as a scenic byway, and the
18 advertising device is subsequently displaced due to
19 the reconstruction, improvement, or relocation of the
20 highway, the advertising device may be erected at the
21 same location or at a location as close to the original
22 location as is practicable that is visible from the
23 main-traveled way, and shall not be considered a new
24 advertising device, if all of the following apply:

25 a. The location is in compliance with the
26 requirements of chapter 306C applicable to interstate
27 highways that are not part of a designated scenic
28 byway.

29 b. The location is approved by the governing body
30 of the city.

31 Sec. 20. Section 692A.113, subsection 3, Code 2013,
32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. Operate, manage, be employed by,
34 or act as a contractor or volunteer at a business that
35 operates a motor vehicle primarily marketing, from or
36 near the motor vehicle, the sale and dispensing of ice
37 cream or other food products to minors.

38 Sec. 21. 2013 Iowa Acts, [Senate File 446](#), if
39 enacted, is amended by adding the following section:

40 SEC. 11A. NEW SECTION. CHRONIC CARE
41 CONSORTIUM. Of the funds appropriated in this Act from
42 the general fund of the state to the department of
43 human services for the medical assistance program for
44 the fiscal year beginning July 1, 2013, and ending June
45 30, 2014, \$200,000 shall be used for the Iowa chronic
46 care consortium pursuant to 2003 Iowa Acts, chapter
47 112, section 12, as amended by 2003 Iowa Acts, chapter
48 179, section 166 and 167.

49 Sec. 22. CONDITIONAL EFFECTIVE DATE. The section
50 of this division of this Act amending section 99F.11,

1 takes effect only if 2013 Iowa Acts, [House File 620](#),
2 striking section 99F.11, subsection 3, paragraph d,
3 subparagraph (3), is enacted.

4 Sec. 23. EFFECTIVE UPON ENACTMENT. The following
5 provision or provisions of this division of this Act,
6 being deemed of immediate importance, take effect upon
7 enactment:

8 1. The section of this Act appropriating moneys to
9 the department of transportation for public transit
10 purposes.

11 DIVISION III

12 CORRECTIVE PROVISIONS

13 Sec. 24. Section 2.12, unnumbered paragraph 4, Code
14 2013, as amended by 2013 Iowa Acts, [House File 185](#),
15 section 1, is amended to read as follows:

16 There is appropriated out of any funds in the state
17 treasury not otherwise appropriated such sums as
18 may be necessary for the fiscal year budgets of the
19 legislative services agency and the ~~ombudsman~~ office
20 of ombudsman for salaries, support, maintenance, and
21 miscellaneous purposes to carry out their statutory
22 responsibilities. The legislative services agency
23 and the ~~ombudsman~~ office of ombudsman shall submit
24 their proposed budgets to the legislative council not
25 later than September 1 of each year. The legislative
26 council shall review and approve the proposed budgets
27 not later than December 1 of each year. The budget
28 approved by the legislative council for each of its
29 statutory legislative agencies shall be transmitted by
30 the legislative council to the department of management
31 on or before December 1 of each year for the fiscal
32 year beginning July 1 of the following year. The
33 department of management shall submit the approved
34 budgets received from the legislative council to the
35 governor for inclusion in the governor's proposed
36 budget for the succeeding fiscal year. The approved
37 budgets shall also be submitted to the chairpersons of
38 the committees on appropriations. The committees on
39 appropriations may allocate from the funds appropriated
40 by this section the funds contained in the approved
41 budgets, or such other amounts as specified, pursuant
42 to a concurrent resolution to be approved by both
43 houses of the general assembly. The director of
44 the department of administrative services shall
45 issue warrants for salaries, support, maintenance,
46 and miscellaneous purposes upon requisition by the
47 administrative head of each statutory legislative
48 agency. If the legislative council elects to change
49 the approved budget for a legislative agency prior to
50 July 1, the legislative council shall transmit the

1 amount of the budget revision to the department of
2 management prior to July 1 of the fiscal year, however,
3 if the general assembly approved the budget it cannot
4 be changed except pursuant to a concurrent resolution
5 approved by the general assembly.

6 Sec. 25. Section 2.42, subsection 14, Code 2013, as
7 amended by 2013 Iowa Acts, [House File 185](#), section 2,
8 is amended to read as follows:

9 14. To hear and act upon appeals of aggrieved
10 employees of the legislative services agency and the
11 office of ~~the~~ ombudsman pursuant to rules of procedure
12 established by the council.

13 Sec. 26. Section 2C.3, subsection 2, Code 2013, as
14 enacted by 2013 Iowa Acts, [House File 185](#), section 4,
15 is amended to read as follows:

16 2. The ombudsman shall employ and supervise all
17 employees under the ombudsman's direction in such
18 positions and at such salaries as shall be authorized
19 by the legislative council. The legislative council
20 shall hear and act upon appeals of aggrieved employees
21 of the office of ~~the~~ ombudsman.

22 Sec. 27. Section 2C.9, subsection 6, Code 2013, as
23 amended by 2013 Iowa Acts, [House File 185](#), section 10,
24 is amended to read as follows:

25 6. Establish rules relating to the operation,
26 organization, and procedure of the office of ~~the~~
27 ombudsman. The rules are exempt from chapter 17A and
28 shall be published in the Iowa administrative code.

29 Sec. 28. Section 2C.11, subsection 1, unnumbered
30 paragraph 1, Code 2013, as amended by 2013 Iowa Acts,
31 [House File 185](#), section 12, is amended to read as
32 follows:

33 An appropriate subject for investigation by the
34 office of ~~the~~ ombudsman is an administrative action
35 that might be:

36 Sec. 29. Section 2C.18, Code 2013, as amended by
37 2013 Iowa Acts, [House File 185](#), section 20, is amended
38 to read as follows:

39 2C.18 Report to general assembly.

40 The ombudsman shall by April 1 of each year submit
41 an economically designed and reproduced report to
42 the general assembly and to the governor concerning
43 the exercise of the ~~ombudsman~~ ombudsman's functions
44 during the preceding calendar year. In discussing
45 matters with which the ombudsman has been concerned,
46 the ombudsman shall not identify specific persons if
47 to do so would cause needless hardship. If the annual
48 report criticizes a named agency or official, it shall
49 also include unedited replies made by the agency or
50 official to the criticism, unless excused by the agency

1 or official affected.

2 Sec. 30. Section 8B.21, subsection 5, paragraph e,
3 if enacted by 2013 Iowa Acts, [Senate File 396](#), section
4 3, is amended to read as follows:

5 e. The department of public defense shall not be
6 required to obtain any information technology services
7 pursuant to this chapter for the department of public
8 defense that ~~is~~ are provided by the office pursuant
9 to this chapter without the consent of the adjutant
10 general.

11 Sec. 31. Section 23A.4, subsection 3, Code 2013, as
12 enacted by 2013 Iowa Acts, [House File 185](#), section 27,
13 is amended to read as follows:

14 3. Chapter 17A and this section are the exclusive
15 remedy for violations of this chapter. However, the
16 office of ~~the~~ ombudsman may review violations of this
17 chapter and make recommendations as provided in chapter
18 2C.

19 Sec. 32. Section 29.1, Code 2013, as amended by
20 2013 Iowa Acts, [House File 307](#), section 9, is amended
21 to read as follows:

22 29.1 Department of public defense.

23 The department of public defense is composed of the
24 office of the adjutant general and the military forces
25 of the state of Iowa. The adjutant general is the
26 director of the department of public defense and shall
27 perform all functions, responsibilities, powers, and
28 duties ~~over~~ concerning the military forces of the state
29 of Iowa as provided in the laws of the state.

30 Sec. 33. Section 35A.13, subsection 6A, paragraph
31 b, subparagraph (1), if enacted by 2013 Iowa Acts,
32 [House File 613](#), section 2, is amended to read as
33 follows:

34 (1) The commission may provide educational
35 assistance funds to any child who has lived in the
36 state of Iowa for two years preceding application for
37 state educational assistance, and who is the child
38 of a person who died prior to September 11, 2001,
39 during active federal military service while serving
40 in the armed forces or during active federal military
41 service in the Iowa national guard or other military
42 component of the United States, to defray the expenses
43 of tuition, matriculation, laboratory and similar
44 fees, books and supplies, board, lodging, and any
45 other reasonably necessary expense for the child or
46 children incident to attendance in this state at an
47 educational or training institution of college grade,
48 or in a business or vocational training school with
49 standards approved by the department. The commission
50 shall not expend more than six hundred dollars per year

1 for educational assistance for any one child under this
2 paragraph "b".

3 Sec. 34. Section 70A.28, subsection 6, Code 2013,
4 as amended by 2013 Iowa Acts, [House File 185](#), section
5 28, is amended to read as follows:

6 6. Subsection 2 may also be enforced by an employee
7 through an administrative action pursuant to the
8 requirements of this subsection if the employee is not
9 a merit system employee or an employee covered by a
10 collective bargaining agreement. An employee eligible
11 to pursue an administrative action pursuant to this
12 subsection who is discharged, suspended, demoted, or
13 otherwise receives a reduction in pay and who believes
14 the adverse employment action was taken as a result
15 of the employee's disclosure of information that
16 was authorized pursuant to subsection 2, may file an
17 appeal of the adverse employment action with the public
18 employment relations board within thirty calendar days
19 following the later of the effective date of the action
20 or the date a finding is issued to the employee by the
21 office of the ombudsman pursuant to section 2C.11A.
22 The findings issued by the ombudsman may be introduced
23 as evidence before the public employment relations
24 board. The employee has the right to a hearing closed
25 to the public, but may request a public hearing. The
26 hearing shall otherwise be conducted in accordance with
27 the rules of the public employment relations board and
28 the Iowa administrative procedure Act, chapter 17A. If
29 the public employment relations board finds that the
30 action taken in regard to the employee was in violation
31 of subsection 2, the employee may be reinstated without
32 loss of pay or benefits for the elapsed period, or
33 the public employment relations board may provide
34 other appropriate remedies. Decisions by the public
35 employment relations board constitute final agency
36 action.

37 Sec. 35. Section 105.10, subsection 3, Code 2013,
38 as amended by 2013 Iowa Acts, [Senate File 427](#), section
39 10, is amended to read as follows:

40 3. An individual holding a master mechanical
41 license shall not be required to get an
42 HVAC-refrigeration, sheet metal, or hydronic license in
43 order to design, install, or repair the work defined
44 in this chapter as mechanical, HVAC-refrigeration,
45 sheet metal, or hydronic work. An individual holding
46 a ~~journey~~ journeyperson mechanical license shall
47 not be required to get an HVAC-refrigeration, sheet
48 metal, or hydronic license in order to install and
49 repair the work defined in this chapter as mechanical,
50 HVAC-refrigeration, sheet metal, or hydronic work. An

1 individual holding a master or ~~journey~~ journeyperson
2 mechanical license shall also not be required to obtain
3 a special, restricted license that is designated as a
4 sublicense of the mechanical, HVAC-refrigeration, sheet
5 metal, or hydronic licenses.

6 Sec. 36. Section 105.32, as enacted by 2013 Iowa
7 Acts, Senate File 427, section 32, Code 2013, is
8 amended to read as follows:

9 105.32 Transition provisions.

10 A licensee whose license expires between June 30,
11 2014, and July 1, 2017, may voluntarily renew ~~their~~
12 the license early so they may have the license has an
13 expiration date of June 30, 2017. This voluntary early
14 renewal may happen at any time on or after July 1,
15 2014. The department shall promulgate rules that allow
16 for this one-time early renewal process, including fees
17 and continuing education requirements.

18 Sec. 37. Section 126.11, subsection 3, paragraph
19 b, Code 2013, as amended by 2013 Iowa Acts, House File
20 417, section 26, is amended to read as follows:

21 b. A drug dispensed by filling or refilling a
22 written, electronic, facsimile, or oral prescription
23 of a practitioner licensed by law to administer the
24 drug is exempt from section 126.10, except section
25 126.10, subsection 1, paragraph "a", section 126.10,
26 subsection 1, paragraph "i", subparagraphs (2) and (3),
27 and section 126.10, subsection 1, paragraphs "k" and
28 "l", and the packaging requirements of section 126.10,
29 subsection 1, paragraphs "g", "h", and "p", if the
30 drug bears a label containing the name and address of
31 the dispenser, the date of the prescription or of its
32 filling, the name of the prescriber, and, if stated
33 in the prescription, the name of the patient, and the
34 directions for use and cautionary statements, if any,
35 contained in the prescription. This exemption does
36 not apply to a drug dispensed in the course of the
37 conduct of the business of dispensing drugs pursuant to
38 diagnosis by mail, or to a drug dispensed in violation
39 of paragraph "a" of this subsection.

40 Sec. 38. Section 249A.43, subsection 3, as enacted
41 by 2013 Iowa Acts, Senate File 357, section 7, is
42 amended to read as follows:

43 3. An affidavit of service of a notice of entry
44 of judgment shall be made by first class mail at the
45 address where the debtor was served with the notice
46 of overpayment. Service is completed upon mailing as
47 specified in this ~~paragraph~~ subsection.

48 Sec. 39. Section 252D.17, subsection 1, paragraph
49 m, as enacted by 2013 Iowa Acts, House File 417,
50 section 55, Code 2013, is amended to read as follows:

1 ~~m.~~ 2. The department shall establish criteria and
2 a phased-in schedule to require, no later than June
3 30, 2015, payors of income to electronically transmit
4 the amounts withheld under an income withholding
5 order. The department shall assist payors of income in
6 complying with the required electronic transmission,
7 and shall adopt rules setting forth procedures
8 for use in electronic transmission of funds, and
9 exemption from use of electronic transmission taking
10 into consideration any undue hardship electronic
11 transmission creates for payors of income.

12 Sec. 40. Section 263B.3, Code 2013, as amended by
13 2013 Iowa Acts, [House File 417](#), section 63, is amended
14 to read as follows:

15 263B.3 Agreements with federal departments.

16 The state archaeologist is authorized to enter into
17 agreements and cooperative efforts with the federal
18 highway administrator, the United States departments
19 of commerce, interior, agriculture, and defense,
20 and any other federal or state agencies concerned
21 with archaeological salvage or the preservation of
22 antiquities.

23 Sec. 41. Section 321.463, subsection 12A,
24 paragraphs a and c, as enacted by 2013 Iowa Acts, House
25 File 14, section 1, are amended to read as follows:

26 a. A person operating a vehicle or combination of
27 vehicles equipped with a retractable axle may raise the
28 axle when necessary to negotiate a turn, provided that
29 the retractable axle is lowered within one thousand
30 feet following completion of the turn. This paragraph
31 does not apply to a vehicle or combination of vehicles
32 operated on an interstate highway, including a ramp to
33 or from an interstate highway, or on a bridge.

34 c. This subsection does not prohibit the operation
35 of a vehicle or combination of vehicles equipped with
36 a retractable axle ~~from operating~~ with the retractable
37 axle raised when the vehicle or combination of vehicles
38 is in compliance with the weight limitations of this
39 section with the retractable axle raised.

40 Sec. 42. Section 321E.9A, subsection 1, Code 2013,
41 as amended by 2013 Iowa Acts, [Senate File 355](#), section
42 7, is amended to read as follows:

43 1. Vehicles with indivisible loads having an
44 overall length not to exceed one hundred twenty feet,
45 an overall width not to exceed sixteen feet, and a
46 height not to exceed fifteen feet five inches may
47 be moved on highways specified by the ~~permitting~~
48 permit-issuing authority, provided the gross weight on
49 any one axle shall not exceed the maximum prescribed
50 in section 321.463 and the total gross weight is not

1 greater than one hundred fifty-six thousand pounds.

2 Sec. 43. Section 327F.39, subsection 6, paragraph
3 b, if enacted by 2013 Iowa Acts, [Senate File 340](#),
4 section 4, is amended to read as follows:

5 b. A violation of subsection 4A or rules adopted
6 pursuant to subsection 4A by a railroad worker
7 transportation company or a railroad ~~corporation~~
8 company is punishable as a schedule "one" penalty under
9 section 327C.5.

10 Sec. 44. Section 418.5, subsection 1, Code 2013, as
11 amended by 2013 Iowa Acts, [House File 307](#), section 51,
12 is amended to read as follows:

13 1. The flood mitigation board is established
14 consisting of nine voting members and four ex officio,
15 nonvoting members, and is located for administrative
16 purposes within the ~~division~~ department. The director
17 of the department shall provide office space, staff
18 assistance, and necessary supplies and equipment for
19 the board. The director shall budget funds to pay the
20 necessary expenses of the board. In performing its
21 functions, the board is performing a public function
22 on behalf of the state and is a public instrumentality
23 of the state.

24 Sec. 45. Section 426A.11, subsection 1, Code 2013,
25 as amended by 2013 Iowa Acts, [House File 417](#), section
26 97, is amended to read as follows:

27 1. The property, not to exceed two thousand seven
28 hundred seventy-eight dollars in taxable value of any
29 veteran, as defined in section 35.1, of ~~the~~ World War
30 I.

31 Sec. 46. Section 437B.2, subsection 8, paragraph a,
32 subparagraph (2), if enacted by 2013 Iowa Acts, Senate
33 File 451, section 11, is amended to read as follows:

34 (2) A water treatment plant where the acquisition
35 cost of all interests acquired exceeds ten million
36 dollars. For purposes of this ~~paragraph~~ subparagraph,
37 "water treatment plant" means buildings and equipment
38 used in that portion of the potable water supply system
39 which in some way alters the physical, chemical, or
40 bacteriological quality of the water.

41 Sec. 47. Section 437B.2, subsection 10, if enacted
42 by 2013 Iowa Acts, [Senate File 451](#), section 11, is
43 amended to read as follows:

44 10. "Operating property" means all property owned
45 by or leased to a water utility, not otherwise taxed
46 separately, which is necessary to and without which the
47 ~~company~~ water utility could not perform the activities
48 of a water utility.

49 Sec. 48. Section 437B.10, subsection 2, paragraph
50 b, if enacted by 2013 Iowa Acts, [Senate File 451](#),

1 section 19, is amended to read as follows:

2 b. Local taxing authority employees are deemed to
3 be officers and employees of the state for purposes
4 ~~this of~~ of this subsection.

5 Sec. 49. Section 455B.275, subsection 3A,
6 paragraphs a and b, if enacted by 2013 Iowa Acts, House
7 File 541, section 1, are amended to read as follows:

8 a. The person reconstructing the dam is only
9 required to possess the flooding easements or ownership
10 which ~~were~~ was held prior to the reconstruction as long
11 as the former normal pool elevation is not exceeded and
12 the spillway capacity is increased by at least fifty
13 percent.

14 b. Flooding easements or ownership ~~are~~ is only
15 required to the top of the reconstructed spillway
16 elevation.

17 Sec. 50. Section 490.863, subsection 3, paragraph
18 a, as enacted by 2013 Iowa Acts, [House File 469](#),
19 section 43, is amended to read as follows:

20 a. "Holder" means and "held by" refers to shares
21 held by both a record shareholder, as defined in
22 section 490.1301, subsection 7, and a beneficial
23 shareholder, as defined in section 490.1301, subsection
24 2.

25 Sec. 51. Section 490.1302, subsection 2, paragraph
26 d, Code 2013, as amended by 2013 Iowa Acts, House File
27 469, section 53, is amended to read as follows:

28 d. Paragraph "a"~~7~~ shall not be applicable and
29 appraisal rights shall be available pursuant to
30 subsection 1 for the holders of any class or series
31 of shares where the corporate action is an interested
32 transaction.

33 Sec. 52. Section 522.6, subsection 2, if enacted by
34 2013 Iowa Acts, [Senate File 189](#), section 6, is amended
35 to read as follows:

36 2. If an insurer qualifies for exemption from the
37 requirements of this chapter pursuant to paragraph "a"
38 of subsection 1, but the insurance group of which the
39 insurer is a member does not qualify for exemption
40 pursuant to paragraph "b" of subsection 1, then the
41 own risk and solvency assessment summary report that
42 is required pursuant to section ~~521H.5~~ 522.5 shall
43 include information concerning every insurer in the
44 insurance group. This requirement may be satisfied by
45 the submission of more than one summary report for any
46 combination of insurers in the insurance group provided
47 that the combination of reports submitted includes
48 every insurer in the insurance group.

49 Sec. 53. Section 533.405, subsection 4A, paragraph
50 b, subparagraphs (1) and (2), as enacted by 2013 Iowa

1 Acts, Senate File 183, section 8, are amended to read
2 as follows:

3 (1) State credit unions with assets in excess of \$5
4 five million dollars as of the month ending immediately
5 prior to the date of the conclusion of the vote by the
6 membership approving the dissolution shall publish
7 the notice once a week for two successive weeks in a
8 newspaper of general circulation in each county in
9 which the state credit union maintains an office or
10 branch for the transaction of business.

11 (2) State credit unions with assets of \$5 five
12 million dollars or less as of the month ending
13 immediately prior to the date of the conclusion of
14 the vote by the membership approving the dissolution
15 shall publish the notice once in a newspaper of general
16 circulation in each county in which the state credit
17 union maintains an office or branch.

18 Sec. 54. Section 543C.2, subsection 1, paragraph j,
19 if enacted by 2013 Iowa Acts, House File 556, section
20 167, is amended to read as follows:

21 j. The subdivider, if a corporation, must register
22 to do business in the state of Iowa as a foreign
23 corporation with the secretary of state and furnish a
24 copy of the certificate of authority to do business
25 in the state of Iowa. If not a corporation, the
26 subdivider must comply with the provisions of chapter
27 547, by filing a proper trade name with the Polk
28 county recorder. The provisions of this ~~subsection~~
29 paragraph shall also apply to any person, partnership,
30 firm, company, corporation, or association, other than
31 the subdivider, which is engaged by or through the
32 subdivider for the purpose of advertising or selling
33 the land involved in the filing.

34 Sec. 55. Section 556.2, subsection 5, paragraph a,
35 unnumbered paragraph 1, as enacted by 2013 Iowa Acts,
36 House File 417, section 174, is amended to read as
37 follows:

38 A banking organization or financial organization
39 shall send to the owner of each account, to which none
40 of the actions specified in subsection ~~2~~ 1, paragraphs
41 "a" through "e" or subsection 2, paragraphs "a" through
42 "e" have occurred during the preceding three calendar
43 years, a notice by certified mail stating in substance
44 the following:

45 Sec. 56. Section 716.7, subsection 1, as amended
46 by 2013 Iowa Acts, House File 556, section 234, if
47 enacted, is amended to read as follows:

48 1. For purposes of this section:

49 a. "Property" shall include any land, dwelling,
50 building, conveyance, vehicle, or other temporary or

1 permanent structure whether publicly or privately
2 owned.

3 b. "Public utility" is a public utility as defined
4 in section 476.1 or an electric transmission line as
5 provided in chapter 478.

6 ~~b. c.~~ "Public utility property" means any land,
7 dwelling, building, conveyance, vehicle, or other
8 temporary or permanent structure owned, leased, or
9 operated by a public utility and that is completely
10 enclosed by a physical barrier of any kind. ~~For~~
11 ~~the purposes of this section, a "public utility" is~~
12 ~~a public utility as defined in section 476.1 or an~~
13 ~~electric transmission line as provided in chapter 478.~~

14 ~~e. d.~~ "Railway corporation" means a corporation,
15 company, or person owning, leasing, or operating any
16 railroad in whole or in part within this state.

17 ~~d. e.~~ "Railway property" means all tangible real
18 and personal property owned, leased, or operated
19 by a railway corporation with the exception of any
20 administrative building or offices of the railway
21 corporation.

22 Sec. 57. Section 724.2, subsection 1, paragraph i,
23 if enacted by 2013 Iowa Acts, [House File 556](#), section
24 206, is amended to read as follows:

25 i. A nonresident who possesses an offensive weapon
26 which is a curio or relic firearm under the federal
27 Firearms Act, 18 U.S.C. ch. 44, solely for use in
28 official functions in this state of a historical
29 reenactment organization of which the person is a
30 member, if the offensive weapon is legally possessed
31 by the person in the person's state of residence and
32 the offensive weapon is at all times while in this
33 state rendered incapable of firing live ammunition. A
34 nonresident who possesses an offensive weapon under
35 this ~~subsection~~ paragraph while in this state shall
36 not have in the person's possession live ammunition.
37 The offensive weapon may, however, be adapted for the
38 firing of blank ammunition.

39 Sec. 58. 2013 Iowa Acts, [House File 556](#), section
40 257, subsection 3, if enacted, is amended by adding the
41 following new subsection:

42 NEW SUBSECTION. 12. The Code editor is directed
43 to change any terminology that references a web site,
44 websites, the internet, and internet site, or internet
45 sites in any Act enacted during the 2013 regular
46 session of the Eighty-fifth General Assembly in the
47 same manner as that terminology is changed in this
48 section of this Act.

49 Sec. 59. 2013 Iowa Acts, [House File 607](#), section
50 29, subsection 3, if enacted, is amended to read as

1 follows:

2 3. The department of agriculture and land
3 stewardship or the office of attorney general acting
4 on behalf of the agricultural development authority in
5 an administrative or judicial proceeding shall not be
6 affected as a result of this Act. Any ~~statue~~ statute
7 of limitation shall apply to the parties as if this Act
8 had not been enacted.

9 Sec. 60. 2013 Iowa Acts, [House File 607](#), section
10 34, if enacted, is amended to read as follows:

11 SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The
12 Iowa finance authority shall complete the
13 administration of ongoing programs of the agricultural
14 development authority as provided in chapter 175, to
15 the extent that the administration of those programs
16 ~~are is~~ in progress on the effective date of this
17 division of this Act. The Iowa finance authority shall
18 assume all rights and obligations of the agricultural
19 development authority to the extent that moneys have
20 been committed, obligations incurred, or rights accrued
21 prior to the effective date of this division of this
22 Act. Moneys owing due to the rights and obligations of
23 the agricultural development authority and assumed by
24 the Iowa finance authority shall be paid as directed by
25 the Iowa finance authority.

26 Sec. 61. 2013 Iowa Acts, [House File 607](#), section
27 35, subsection 1, if enacted, is amended to read as
28 follows:

29 1. The assets and liabilities of the former
30 Iowa rural rehabilitation corporation assumed by
31 the agricultural development authority pursuant to
32 section 175.28 shall be transferred to the Iowa finance
33 authority on the effective date of this division of
34 this Act. On such effective date, the Iowa finance
35 authority shall be the successor in interest to
36 the agreements in effect between the United States
37 government and the agricultural development authority
38 on behalf of this state.

39 Sec. 62. 2013 Iowa Acts, [Senate File 427](#), section
40 35, is amended to read as follows:

41 SEC. 35 ADMINISTRATIVE RULES. The department
42 of public health shall adopt all initial rules,
43 and amendments to existing rules, necessary for the
44 implementation of this Act.

45 Sec. 63. REPEAL. 2013 Iowa Acts, [House File 417](#),
46 section 34, and 2013 Iowa Acts, [House File 556](#), section
47 27, if enacted, are repealed.

48 Sec. 64. REPEAL. 2013 Iowa Acts, [House File 469](#),
49 sections 83 and 84, are repealed.

50 Sec. 65. CONTINGENT REPEAL. If 2013 Iowa Acts,

1 House File 575, section 12, is enacted, 2013 Iowa Acts,
2 House File 417, section 93, is repealed.

3 DIVISION IV

4 PUBLIC RETIREMENT SYSTEMS

5 Sec. 66. JUDICIAL RETIREMENT FUND. There is
6 appropriated from the general fund of the state to the
7 judicial retirement fund described in section 602.9104
8 for the following fiscal years, the following amounts:

9 1. FY 2013-2014
10 \$ 5,000,000
11 2. FY 2014-2015
12 \$ 5,000,000

13 Sec. 67. FIRE AND POLICE RETIREMENT FUND. There
14 is appropriated from the general fund of the state to
15 the fire and police retirement fund created in section
16 411.8 for the following fiscal years, the following
17 amounts:

18 1. FY 2012-2013
19 \$ 9,600,000
20 2. FY 2013-2014
21 \$ 5,000,000
22 3. FY 2014-2015
23 \$ 5,000,000

24 Sec. 68. Section 97A.11A, subsection 1, Code 2013,
25 is amended to read as follows:

26 1. Beginning with the fiscal year commencing July
27 1, ~~2013~~ 2012, and ending June 30 of the fiscal year
28 during which the board determines that the system's
29 funded ratio of assets to liabilities is at least
30 eighty-five percent, there is appropriated from the
31 general fund of the state for each fiscal year to the
32 retirement fund described in section 97A.8, an amount
33 equal to five million dollars.

34 Sec. 69. EFFECTIVE UPON ENACTMENT. The section of
35 this division of this Act amending section 97A.11A,
36 being deemed of immediate importance, takes effect upon
37 enactment.

38 Sec. 70. EFFECTIVE UPON ENACTMENT. The section
39 of this division of this Act appropriating moneys to
40 the fire and police retirement fund, being deemed of
41 immediate importance, takes effect upon enactment.

42 DIVISION V

43 COUNTY PROJECTS

44 Sec. 71. Section 331.441, subsection 2, paragraph
45 b, subparagraph (5), unnumbered paragraph 1, Code 2013,
46 is amended to read as follows:

47 Public buildings, including the site or grounds
48 of, and the erection, equipment, remodeling, or
49 reconstruction of, and additions or extensions to the
50 buildings, and including the provision and maintenance

1 of juvenile detention or shelter care facilities, when
2 the ~~cost~~ principal amount of the bonds does not exceed
3 the following limits:

4 Sec. 72. Section 331.441, subsection 2, paragraph
5 c, subparagraph (9), Code 2013, is amended to read as
6 follows:

7 (9) Public buildings, including the site or
8 grounds of, the erection, equipment, remodeling, or
9 reconstruction of, and additions or extensions to the
10 buildings, and including the provision and maintenance
11 of juvenile detention or shelter care facilities,
12 when the ~~cost~~ principal amount of the bonds exceeds
13 the limits stated in subsection 2, paragraph "b",
14 subparagraph (5).

15 DIVISION VI

16 SUPPLEMENTARY WEIGHTING FOR LIMITED ENGLISH

17 PROFICIENT STUDENTS

18 Sec. 73. Section 257.31, subsection 5, paragraph j,
19 Code 2013, is amended to read as follows:

20 j. Unusual need to continue providing a program or
21 other special assistance to non-English speaking pupils
22 after the expiration of the ~~four-year~~ seven-year period
23 specified in section 280.4.

24 Sec. 74. Section 280.4, subsection 3, Code 2013, is
25 amended to read as follows:

26 3. a. In order to provide funds for the excess
27 costs of instruction of limited English proficient
28 students specified in paragraph "b" above the costs
29 of instruction of pupils in a regular curriculum,
30 students identified as limited English proficient shall
31 be assigned an additional weighting of twenty-two
32 hundredths, and that weighting shall be included
33 in the weighted enrollment of the school district
34 of residence for a period not exceeding ~~four~~ seven
35 years. However, the school budget review committee may
36 grant supplemental aid or modified allowable growth
37 to a school district to continue funding a program
38 for students after the expiration of the ~~four-year~~
39 seven-year period.

40 b. For students first determined to be limited
41 English proficient for a budget year beginning on or
42 after July 1, 2009, the additional weighting provided
43 under paragraph "a" shall be included in the weighted
44 enrollment of the school district of residence for a
45 period not exceeding seven years.

46 Sec. 75. LIMITED ENGLISH PROFICIENT WEIGHTING
47 ADJUSTMENT. For the fiscal year beginning July
48 1, 2013, and ending June 30, 2014, there shall be
49 allocated to the department of education from the
50 amount appropriated pursuant to section 257.16,

1 subsection 1, based upon the increase from four to
2 seven years in the availability of supplementary
3 weighting for instruction of limited English proficient
4 students pursuant to section 280.4, an amount to
5 be determined by the department of management in
6 consultation with the legislative services agency. The
7 funds shall be used to adjust the weighted enrollment
8 of a school district with students identified as
9 limited English proficient on a prorated basis.

10 Sec. 76. EFFECTIVE UPON ENACTMENT. This division
11 of this Act, being deemed of immediate importance,
12 takes effect upon enactment.

13 DIVISION VII

14 NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING

15 Sec. 77. NEW SECTION. 136A.5A Newborn critical
16 congenital heart disease screening.

17 1. Each newborn born in this state shall receive
18 a critical congenital heart disease screening by
19 pulse oximetry or other means as determined by rule,
20 in conjunction with the metabolic screening required
21 pursuant to section 136A.5.

22 2. An attending health care provider shall ensure
23 that every newborn under the provider's care receives
24 the critical congenital heart disease screening.

25 3. This section does not apply if a parent objects
26 to the screening. If a parent objects to the screening
27 of a newborn, the attending health care provider shall
28 document the refusal in the newborn's medical record
29 and shall obtain a written refusal from the parent and
30 report the refusal to the department.

31 4. Notwithstanding any provision to the contrary,
32 the results of each newborn's critical congenital
33 heart disease screening shall only be reported in a
34 manner consistent with the reporting of the results
35 of metabolic screenings pursuant to section 136A.5
36 if funding is available for implementation of the
37 reporting requirement.

38 5. This section shall be administered in accordance
39 with rules adopted pursuant to section 136A.8.

40 Sec. 78. NEWBORN CRITICAL CONGENITAL HEART DISEASE
41 SCREENING. Notwithstanding any provision to the
42 contrary relating to the newborn screening policy
43 pursuant to [641 IAC 4.3](#)(1), critical congenital heart
44 disease screening shall be included in the state's
45 newborn screening panel as included in the recommended
46 uniform screening panel as approved by the United
47 States secretary of health and human services. The
48 center for congenital and inherited disorders advisory
49 committee shall make recommendations regarding
50 implementation of the screening and the center for

1 congenital and inherited disorders shall adopt rules
2 as necessary to implement the screening. However,
3 reporting of the results of each newborn's critical
4 congenital heart disease screening shall not be
5 required unless funding is available for implementation
6 of the reporting requirement.

7 DIVISION VIII

8 RIGHT TO CURE – CLOSED CREDIT CARD ACCOUNTS

9 Sec. 79. Section 537.5110, subsection 4, paragraph
10 c, Code 2013, is amended to read as follows:

11 c. Until the expiration of the minimum applicable
12 period after the notice is given, the consumer may
13 cure the default by tendering either the amount of all
14 unpaid installments due at the time of the tender,
15 without acceleration, plus any unpaid delinquency or
16 deferral charges, or the amount stated in the notice
17 of right to cure, whichever is less, or by tendering
18 any performance necessary to cure any default other
19 than nonpayment of amounts due, which is described
20 in the notice of right to cure. The act of curing a
21 default restores to the consumer the consumer's rights
22 under the agreement as though no default had occurred,
23 except as provided in subsection 3. However, where the
24 obligation in default is a credit card account that
25 has been closed, the act of curing a default does not
26 restore to the consumer the consumer's rights under the
27 agreement as though no default had occurred.

28 Sec. 80. Section 537.5111, Code 2013, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 4A. If the consumer credit
31 transaction is a credit card account that has been
32 closed, the notice shall conform to the requirements
33 of subsection 2, and a notice in substantially the
34 form specified in that subsection complies with this
35 subsection except that the statement relating to
36 continuation of the contract upon correction of the
37 default as though the consumer did not default shall
38 not be contained in the notice.

39 DIVISION IX

40 PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE

41 Sec. 81. PUBLIC SAFETY TRAINING AND FACILITIES TASK
42 FORCE.

43 1. A public safety training and facilities task
44 force is established. The department of public safety
45 shall provide administrative support for the task
46 force.

47 2. The task force shall consist of the following
48 members:

49 a. One member appointed by the Iowa state sheriffs'
50 and deputies' association.

1 b. One member appointed by the Iowa police chiefs
2 association.

3 c. One member who is a fire fighter appointed by
4 the Iowa professional fire fighters association.

5 d. One member who is the administrator of the Iowa
6 fire service training bureau or the administrator's
7 designee.

8 e. One member who is a representative of the fire
9 service who is not a fire chief appointed by the Iowa
10 firefighters association.

11 f. The director of the Iowa law enforcement academy
12 or the director's designee.

13 g. The commissioner of public safety or the
14 training coordinator of the department of public
15 safety, as designated by the commissioner.

16 h. The state fire marshal or the state fire
17 marshal's designee.

18 i. One member appointed by the Iowa state police
19 association.

20 j. One member who is a fire chief appointed by the
21 Iowa fire chiefs association.

22 k. One member appointed by the Iowa emergency
23 medical services association.

24 l. One member appointed by the Iowa emergency
25 management association.

26 m. One member who is a fire chief appointed by the
27 Iowa association of professional fire chiefs.

28 n. One member who is a member of the office
29 of motor vehicle enforcement of the department of
30 transportation appointed by the director of the
31 department of transportation.

32 o. Four members of the general assembly serving
33 as ex officio, nonvoting members, one representative
34 to be appointed by the speaker of the house of
35 representatives, one representative to be appointed by
36 the minority leader of the house of representatives,
37 one senator to be appointed by the majority leader of
38 the senate, and one senator to be appointed by the
39 minority leader of the senate.

40 3. The voting members of the task force shall
41 select one chairperson and one vice chairperson. The
42 vice chairperson shall preside in the absence of
43 the chairperson. Section 69.16A shall apply to the
44 appointed members of the task force.

45 4. It is the intent of the general assembly in
46 establishing this task force that the task force
47 develop a coordinated plan amongst all public safety
48 disciplines that would oversee the construction of a
49 consolidated fire and police public safety training
50 facility, provide for the establishment of a governance

1 board for the public safety disciplines and the
2 consolidated facility, and to establish a consistent
3 and steady funding mechanism to defray public safety
4 training costs on an ongoing basis.

5 5. The task force shall seek and consider input
6 from all interested stakeholders and members of the
7 public and shall include an emphasis on receiving input
8 from fire service, law enforcement, and emergency
9 medical services personnel. The task force shall
10 consider and develop strategies relating to public
11 safety training facility governance with the goal of
12 all public safety disciplines being represented. Each
13 public safety discipline shall advise the task force by
14 developing individual training policies as determined
15 by the discipline's governing bodies. The task force
16 shall also develop a proposal for a joint public safety
17 training facility, a budget for construction and future
18 operation of the facility, financing options, including
19 possible public-private partnerships, for construction
20 and operation of the facility, and potential locations
21 for the facility that are centrally located in this
22 state.

23 6. a. The task force shall provide interim reports
24 to the general assembly by December 31 of each year
25 concerning the activities of the task force and shall
26 submit its final report, including its findings and
27 recommendations, to the general assembly by December
28 31, 2016.

29 b. The final report shall include but not be
30 limited to recommendations concerning the following:

31 (1) Consolidation of public safety governance
32 within a single board and the membership of the board.
33 Board duties would include overseeing the construction
34 and maintenance of a consolidated fire and police
35 public safety training facility.

36 (2) Development of a consolidated fire and police
37 public safety training facility, including possible
38 locations, building recommendations, and financing
39 options.

40 (3) Any other recommendations relating to public
41 safety training and facilities requirements.

42 Sec. 82. PUBLIC SAFETY TRAINING AND FACILITIES TASK
43 FORCE – ADMINISTRATIVE SUPPORT. There is appropriated
44 from the general fund of the state to the department
45 of public safety for the fiscal year beginning July 1,
46 2012, and ending June 30, 2013, the following amount,
47 or so much thereof as is necessary, to be used for the
48 purposes designated:

49 For providing administrative support for the public
50 safety training and facilities task force as enacted

1 in this Act:

2 \$ 50,000

3 Notwithstanding section 8.33, moneys appropriated in
4 this section that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert but
6 shall remain available for expenditure for the purposes
7 designated until the close of the fiscal year that
8 begins July 1, 2016.

9 Sec. 83. EFFECTIVE UPON ENACTMENT. This division
10 of this Act, being deemed of immediate importance,
11 takes effect upon enactment.

12 DIVISION X

13 CIGARETTE FIRE SAFETY STANDARD FUND

14 Sec. 84. Section 101B.5, subsection 5, Code 2013,
15 is amended to read as follows:

16 5. For each cigarette listed in a certification, a
17 manufacturer shall pay a fee of one hundred dollars to
18 the department. The department shall deposit all fees
19 received pursuant to this subsection with the treasurer
20 of state for credit to the general fund of the state.

21 Sec. 85. Section 101B.8, Code 2013, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 10. The department shall deposit
24 any moneys received from civil penalties assessed
25 pursuant to this section with the treasurer of state
26 for credit to the general fund of the state.

27 Sec. 86. Section 101B.9, Code 2013, is amended to
28 read as follows:

29 101B.9 Cigarette fire safety standard fund.

30 A cigarette fire safety standard fund is created as
31 a special fund in the state treasury under the control
32 of the department of public safety. The fund shall
33 consist of all moneys recovered from the assessment
34 of civil penalties or certification fees under this
35 chapter. ~~The moneys in the fund shall, in~~ In addition
36 to any moneys made available for such purpose, ~~be~~
37 ~~available, subject to appropriation,~~ moneys in the fund
38 are appropriated to the department of public safety for
39 the purpose of fire safety and prevention programs,
40 including for entry level fire fighter training,
41 equipment, and operations.

42 Sec. 87. REPEAL. Section 101B.9, Code 2013, is
43 repealed.

44 Sec. 88. CIGARETTE FIRE SAFETY STANDARD FUND.
45 Notwithstanding section 8.33, or any other provision of
46 law to the contrary, the unencumbered or unobligated
47 balance of the cigarette fire safety standard fund
48 at the close of the fiscal year beginning July 1,
49 2012, shall not revert but shall remain available for
50 expenditure for purposes of the regional emergency

1 response training centers, on an equal basis, until the
2 close of the succeeding fiscal year.

3 Sec. 89. EFFECTIVE UPON ENACTMENT. Except for
4 the section of this division of this Act repealing
5 section 101B.9 which shall take effect July 1, 2013,
6 this division of this Act, being deemed of immediate
7 importance, takes effect upon enactment.

8 Sec. 90. RETROACTIVE APPLICABILITY. The following
9 provision or provisions of this division of this Act
10 apply retroactively to July 1, 2007:

11 1. The section amending section 101B.9.

12 DIVISION XI

13 IGNITION INTERLOCK

14 Sec. 91. Section 321J.20, subsections 1 and 2, Code
15 2013, are amended to read as follows:

16 1. a. The department may, on application, issue
17 a temporary restricted license to a person whose
18 noncommercial driver's license is revoked under this
19 chapter allowing the person to drive to and from the
20 person's home and specified places at specified times
21 which can be verified by the department and which are
22 required by ~~the~~ any of the following:

23 (1) The person's full-time or part-time
24 employment.

25 (2) The person's continuing health care or the
26 continuing health care of another who is dependent upon
27 the person.

28 (3) The person's continuing education while
29 enrolled in an educational institution on a part-time
30 or full-time basis and while pursuing a course of study
31 leading to a diploma, degree, or other certification of
32 successful educational completion.

33 (4) The person's substance abuse treatment, and to
34 attend groups whose purpose is to eliminate or reduce
35 alcohol or other drug use.

36 (5) The person's court-ordered community service
37 responsibilities, and appointments.

38 (6) Appointments with the person's parole or
39 probation officer.

40 (7) Transport of the person's dependent minor child
41 to and from school when public school transportation is
42 not available for the child.

43 (8) Transport of the person's dependent minor child
44 to and from child care when necessary for the person's
45 full-time or part-time employment.

46 b. The department may also issue a temporary
47 restricted license under this subsection that allows
48 the person to drive for work purposes within the scope
49 of the person's full-time or part-time employment.

50 Any vehicle operated within the scope of the person's

1 full-time or part-time employment must be equipped
2 at all times with an ignition interlock device of a
3 type approved by the commissioner of public safety,
4 notwithstanding any provision of section 321J.4,
5 321J.9, or 321J.12 to the contrary.

6 c. The department may issue a temporary restricted
7 license under this subsection only if the person's
8 driver's license has not been revoked previously under
9 section 321J.4, 321J.9, or 321J.12 and if any of the
10 following apply:

11 (1) The person's noncommercial driver's license is
12 revoked under section 321J.4 and the minimum period of
13 ineligibility for issuance of a temporary restricted
14 license has expired. This subsection shall not apply
15 to a revocation ordered under section 321J.4 resulting
16 from a plea or verdict of guilty of a violation of
17 section 321J.2 that involved a death.

18 (2) The person's noncommercial driver's license is
19 revoked under section 321J.9 and the person has entered
20 a plea of guilty on a charge of a violation of section
21 321J.2 which arose from the same set of circumstances
22 which resulted in the person's driver's license
23 revocation under section 321J.9 and the guilty plea
24 is not withdrawn at the time of or after application
25 for the temporary restricted license, and the minimum
26 period of ineligibility for issuance of a temporary
27 restricted license has expired.

28 (3) The person's noncommercial driver's license is
29 revoked under section 321J.12, and the minimum period
30 of ineligibility for issuance of a temporary restricted
31 license has expired.

32 ~~b.~~ d. A temporary restricted license may
33 be issued under this subsection if the person's
34 noncommercial driver's license is revoked for two years
35 under section 321J.4, subsection 2, or section 321J.9,
36 subsection 1, paragraph "b", and the first three
37 hundred sixty-five days of the revocation have expired.

38 ~~e.~~ e. This subsection does not apply to a person
39 whose license was revoked under section 321J.2A or
40 section 321J.4, subsection 4 or 6, or to a person whose
41 license is suspended or revoked for another reason.

42 ~~d.~~ f. Following the applicable minimum period
43 of ineligibility, a temporary restricted license
44 under this subsection shall not be issued until the
45 applicant installs an ignition interlock device of a
46 type approved by the commissioner of public safety on
47 all motor vehicles owned or operated by the applicant
48 in accordance with section 321J.2, 321J.4, 321J.9,
49 or 321J.12, or this subsection. Installation of an
50 ignition interlock device under this subsection shall

1 be required for the period of time for which the
2 temporary restricted license is issued and for such
3 additional period of time following reinstatement as is
4 required under section 321J.17, subsection 3.

5 2. a. Notwithstanding section 321.560, the
6 department may, on application, and upon the expiration
7 of the minimum period of ineligibility for a temporary
8 restricted license provided for under section
9 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary
10 restricted license to a person whose noncommercial
11 driver's license has either been revoked under this
12 chapter, or revoked or suspended under chapter 321
13 solely for violations of this chapter, or who has been
14 determined to be a habitual offender under chapter
15 321 based solely on violations of this chapter or on
16 violations listed in section 321.560, subsection 1,
17 paragraph "b", and who is not eligible for a temporary
18 restricted license under subsection 1. However, the
19 department may not issue a temporary restricted license
20 under this subsection for a violation of section
21 321J.2A or to a person under the age of twenty-one
22 whose license is revoked under section 321J.4, 321J.9,
23 or 321J.12. A

24 (1) If the person has no more than one previous
25 revocation under this chapter, a temporary restricted
26 license issued under this subsection may allow the
27 person to drive to and from the person's home and
28 specified places at specified times which can be
29 verified by the department and which are required by
30 any of the following:

31 (a) The person's full-time or part-time employment.

32 (b) The person's continuing health care or the
33 continuing health care of another who is dependent upon
34 the person.

35 (c) The person's continuing education while
36 enrolled in an educational institution on a part-time
37 or full-time basis and while pursuing a course of study
38 leading to a diploma, degree, or other certification of
39 successful educational completion.

40 (d) The person's substance abuse treatment and to
41 attend groups whose purpose is to eliminate or reduce
42 alcohol or other drug use.

43 (e) The person's court-ordered community service
44 responsibilities.

45 (f) Appointments with the person's parole or
46 probation officer.

47 (g) Transport of the person's dependent minor child
48 to and from child care when necessary for the person's
49 full-time or part-time employment.

50 (2) If the person has more than one previous

1 revocation under this chapter, a temporary restricted
2 license issued under this subsection may allow the
3 person to drive to and from the person's home and
4 specified places at specified times which can be
5 verified by the department and which are required by
6 the any of the following:

7 (a) The person's full-time or part-time
8 employment.

9 (b) The person's continuing education while
10 enrolled in an educational institution on a part-time
11 or full-time basis and while pursuing a course of study
12 leading to a diploma, degree, or other certification of
13 successful educational completion, or.

14 (c) The person's substance abuse treatment and to
15 attend groups whose purpose is to eliminate or reduce
16 alcohol or other drug use.

17 DIVISION XII

18 NOTARY PUBLIC

19 Sec. 92. Section 9B.15, subsection 3, unnumbered
20 paragraph 1, Code 2013, is amended to read as follows:

21 A certificate of a notarial act is sufficient if it
22 meets the requirements of subsections 1 and 2 and ~~all~~
23 any of the following apply:

24 Sec. 93. Section 9B.17, subsection 1, paragraph a,
25 Code 2013, is amended to read as follows:

26 a. Include the notary public's name, the words
27 "Notarial Seal" and "Iowa", the words "Commission
28 Number" followed by a number assigned to the notary
29 public by the secretary of state, the words "My
30 Commission Expires" followed either by the date that
31 the notary public's term would ordinarily expire as
32 provided in section 9B.21 or a blank line on which the
33 notary public shall indicate the date of expiration,
34 if any, of the notary public's commission, as required
35 by and in satisfaction of section 9B.15, subsection 1,
36 paragraph "e", and other information required by the
37 secretary of state.

38 Sec. 94. Section 321I.31, subsection 3, Code 2013,
39 is amended to read as follows:

40 3. An owner of an all-terrain vehicle shall apply
41 to the county recorder for issuance of a certificate
42 of title within thirty days after acquisition.

43 The application shall be on forms the department
44 prescribes and accompanied by the required fee. The
45 application shall be signed and sworn to before a
46 ~~notary public~~ notarial officer as provided in chapter
47 9B or other person who administers oaths, or shall
48 include a certification signed in writing containing
49 substantially the representation that statements made
50 are true and correct to the best of the applicant's

1 knowledge, information, and belief, under penalty of
2 perjury. The application shall contain the date of
3 sale and gross price of the all-terrain vehicle or
4 the fair market value if no sale immediately preceded
5 the transfer and any additional information the
6 department requires. If the application is made for
7 an all-terrain vehicle last previously registered
8 or titled in another state or foreign country, the
9 application shall contain this information and any
10 other information the department requires.

11 Sec. 95. Section 462A.77, subsection 4, Code 2013,
12 is amended to read as follows:

13 4. Every owner of a vessel subject to titling
14 under this chapter shall apply to the county recorder
15 for issuance of a certificate of title for the vessel
16 within thirty days after acquisition. The application
17 shall be on forms the department prescribes, and
18 accompanied by the required fee. The application shall
19 be signed and sworn to before a ~~notary public~~ notarial
20 officer as provided in chapter 9B or other person who
21 administers oaths, or shall include a certification
22 signed in writing containing substantially the
23 representation that statements made are true and
24 correct to the best of the applicant's knowledge,
25 information, and belief, under penalty of perjury.
26 The application shall contain the date of sale and
27 gross price of the vessel or the fair market value
28 if no sale immediately preceded the transfer, and any
29 additional information the department requires. If
30 the application is made for a vessel last previously
31 registered or titled in another state or foreign
32 country, it shall contain this information and any
33 other information the department requires.

34 Sec. 96. Section 554.3505, subsection 2, Code 2013,
35 is amended to read as follows:

36 2. A protest is a certificate of dishonor made by a
37 United States consul or vice consul, or a ~~notary public~~
38 notarial officer as provided in chapter 9B or other
39 person authorized to administer oaths by the law of
40 the place where dishonor occurs. It may be made upon
41 information satisfactory to that person. The protest
42 must identify the instrument and certify either that
43 presentment has been made or, if not made, the reason
44 why it was not made, and that the instrument has been
45 dishonored by nonacceptance or nonpayment. The protest
46 may also certify that notice of dishonor has been given
47 to some or all parties.

48 Sec. 97. Section 589.4, Code 2013, is amended to
49 read as follows:

50 589.4 Acknowledgments by corporation officers.

1 The acknowledgments of all deeds, mortgages, or
2 other instruments in writing taken or certified more
3 than ten years earlier, which instruments have been
4 recorded in the recorder's office of any county of this
5 state, including acknowledgments of instruments made by
6 a corporation, or to which the corporation was a party,
7 or under which the corporation was a beneficiary,
8 and which have been acknowledged before or certified
9 by a ~~notary public~~ notarial officer as provided in
10 chapter 9B who was at the time of the acknowledgment or
11 certifying a stockholder or officer in the corporation,
12 are legal and valid official acts of the notaries
13 public, and entitle the instruments to be recorded,
14 anything in the laws of the state of Iowa in regard to
15 acknowledgments to the contrary notwithstanding. This
16 section does not affect pending litigation.

17 Sec. 98. Section 589.5, Code 2013, is amended to
18 read as follows:

19 589.5 Acknowledgments by stockholders.

20 All deeds and conveyances of lands within this
21 state executed more than ten years earlier, but
22 which have been acknowledged or proved according
23 to and in compliance with the laws of this state
24 before a ~~notary public~~ notarial officer as provided
25 in chapter 9B or other official authorized by law
26 to take acknowledgments who was, at the time of
27 the acknowledgment, an officer or stockholder of a
28 corporation interested in the deed or conveyance, or
29 otherwise interested in the deeds or conveyances, are,
30 if otherwise valid, valid in law as though acknowledged
31 or proved before an officer not interested in the
32 deeds or conveyances; and if recorded more than ten
33 years earlier, in the respective counties in which
34 the lands are, the records are valid in law as though
35 the deeds and conveyances, so acknowledged or proved
36 and recorded, had, prior to being recorded, been
37 acknowledged or proved before an officer having no
38 interest in the deeds or conveyances.

39 Sec. 99. Section 622.86, Code 2013, is amended to
40 read as follows:

41 622.86 Foreign affidavits.

42 Those taken out of the state before any judge or
43 clerk of a court of record, or before a ~~notary public~~
44 notarial officer as provided in chapter 9B, or a
45 commissioner appointed by the governor of this state to
46 take acknowledgment of deeds in the state where such
47 affidavit is taken, are of the same credibility as if
48 taken within the state.

49

DIVISION XIII

50

CORN PROMOTION BOARD

1 Sec. 100. Section 185C.1, Code 2013, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4A. "Director" means a district
4 elected director or a board elected director as
5 provided in section 185C.6.

6 Sec. 101. Section 185C.1, subsection 5, Code 2013,
7 is amended to read as follows:

8 5. "District" means an official crop reporting
9 district formed by the United States department of
10 agriculture for use on January 1, 2013, and set out in
11 the annual farm census published in that year by the
12 ~~Iowa~~ department of agriculture and land stewardship.

13 Sec. 102. Section 185C.3, Code 2013, is amended to
14 read as follows:

15 185C.3 Establishment of corn promotion board.

16 If a majority of the producers voting in the
17 referendum election approve the passage of the
18 promotional order, an Iowa corn promotion board shall
19 be established. ~~The board shall consist of one~~
20 ~~director elected from each district in the state,~~
21 ~~except that a district producing more than an average~~
22 ~~of one hundred million bushels of corn in the three~~
23 ~~previous marketing years is entitled to two directors.~~

24 Sec. 103. Section 185C.6, Code 2013, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 185C.6 Number and election of directors.

28 The Iowa corn promotion board established pursuant
29 to section 185C.3 shall be composed of directors
30 elected as provided in this chapter. The directors
31 shall include all of the following:

32 1. Nine district elected directors. Each such
33 director shall be elected from a district as provided
34 in section 185C.5, this section, and sections 185C.7
35 and 185C.8. A candidate receiving the highest number
36 of votes in each district shall be elected to represent
37 that district.

38 2. Three board elected directors. Each such
39 director shall be elected by the board. The candidate
40 receiving the highest number of votes by the board
41 shall be elected to represent the state on at-large
42 basis.

43 Sec. 104. Section 185C.7, Code 2013, is amended to
44 read as follows:

45 185C.7 Terms of directors.

46 1. Director terms A director's term of office shall
47 be for three years ~~and no.~~ A district elected director
48 ~~of the board~~ shall not serve for more than three
49 complete consecutive terms. A board elected director
50 shall not serve for more than one complete term of

1 office. A district elected director who is elected
2 as board elected director shall not serve more than a
3 total of four terms of office, regardless of whether
4 any of the terms of office are complete or consecutive.

5 2. If the board is reconstituted pursuant to
6 section 185C.8, the terms of the directors shall be
7 controlled by this section. However, the initial terms
8 of the reconstituted board shall be staggered. To the
9 extent practicable, one-third of the elected directors
10 shall serve an initial term of one year, one-third of
11 the elected directors shall serve an initial term of
12 two years, and one-third of the elected directors shall
13 serve an initial term of three years. The initial
14 terms of board elected directors shall be determined
15 by board ~~members~~ directors drawing lots. ~~The board~~
16 ~~elected under this paragraph shall not contain two~~
17 ~~directors from the same district serving the same term.~~

18 Sec. 105. Section 185C.8, Code 2013, is amended to
19 read as follows:

20 185C.8 ~~Elections~~ Administration of elections for
21 directors.

22 1. The Iowa corn promotion board shall administer
23 elections for district elected directors of the board
24 with the assistance of the secretary. Prior to the
25 expiration of a director's term of office, the board
26 shall appoint a nominating committee for the district
27 represented by that director. The nominating committee
28 shall consist of five producers who are residents of
29 the district from which a director must be elected.
30 The nominating committee shall nominate two resident
31 producers as candidates for each director position for
32 which an election is to be held. Additional candidates
33 may be nominated by a written petition of twenty-five
34 producers. Procedures governing the time and place of
35 filing shall be adopted and publicized by the board.

36 Following recommencement of the promotional order,
37 or termination of the promotional order's suspension
38 as provided in section 185C.24, the secretary shall
39 order the reconstitution of the board. An election of
40 district elected directors shall be held within thirty
41 days from the date of the order. The secretary shall
42 call for, provide for notice of, conduct, and certify
43 the results of the election in a manner consistent
44 with section 185C.5 through 185C.7. Directors shall
45 serve terms as provided in section 185C.7. Rules
46 or procedures adopted by the board and in effect at
47 the date of suspension shall continue in effect upon
48 reconstitution of the board. The Iowa corn growers
49 association may nominate two resident producers as
50 candidates for each director position. Additional

1 candidates may be nominated by a written petition of at
2 least twenty-five producers.

3 2. The Iowa corn promotion board shall administer
4 elections for board elected directors. Prior to
5 the expiration of a board elected director's term of
6 office, the board may appoint a nominating committee.
7 In order to be eligible for nomination and election,
8 a candidate must have previously served on the board
9 as an elected director. An officer of the board shall
10 certify the results of the election.

11 Sec. 106. Section 185C.10, subsection 3, Code 2013,
12 is amended by striking the subsection.

13 Sec. 107. Section 185C.14, subsection 3, Code 2013,
14 is amended to read as follows:

15 3. The board shall meet at least ~~once every~~ three
16 ~~months~~ times each year, and at such other times as
17 deemed necessary by the board.

18 Sec. 108. Section 185C.21, subsection 2, Code 2013,
19 is amended to read as follows:

20 2. Upon request of the board, the secretary shall
21 call a special referendum for producers to vote
22 on whether to authorize an increase in the state
23 assessment above one-quarter of one cent per bushel,
24 notwithstanding subsection 1. The special referendum
25 shall be conducted as provided in this chapter for
26 referendum elections. However, the special referendum
27 shall not affect the existence or length of the
28 promotional order in effect. If a majority of the
29 producers voting in the special referendum approve
30 the increase, the board may increase the assessment
31 to the amount approved in the special referendum.
32 However, a state assessment shall not exceed ~~one cent~~
33 per a scheduled amount assessed on each bushel of corn
34 marketed in this state determined as follows:

35 a. Until September 1, 2013, one cent.

36 b. For each marketing year of the period beginning
37 September 1, 2013, and ending August 31, 2018, two
38 cents.

39 c. For each marketing year of the period beginning
40 September 1, 2018, and ending August 31, 2023, three
41 cents.

42 d. For each marketing year of the period beginning
43 September 1, 2023, and ending August 31, 2028, four
44 cents.

45 e. For each marketing year beginning on and after
46 September 1, 2028, five cents.

47 Sec. 109. Section 185C.27, Code 2013, is amended to
48 read as follows:

49 185C.27 Refund of assessment.

50 A producer who has sold corn and had a state

1 assessment deducted from the sale price, by application
2 in writing to the board, may secure a refund in the
3 amount deducted. The refund shall be payable only
4 when the application shall have been made to the board
5 within sixty days after the deduction. Application
6 forms shall be given by the board to each first
7 purchaser when requested and the first purchaser
8 shall make the applications available to any producer.
9 Each application for refund by a producer shall have
10 attached to the application proof of the assessment
11 deducted. The proof of assessment may be in the
12 form of a duplicate or certified copy of the purchase
13 invoice by the first purchaser. The board shall have
14 thirty business days from the date the application
15 for refund is received to remit the refund to the
16 producer. The board may provide for refunds of a
17 federal assessment as provided by federal law. Unless
18 inconsistent with federal law, refunds shall be made
19 under section 185C.26.

20 Sec. 110. IMPLEMENTATION. The Iowa corn promotion
21 board established pursuant to section 185C.3 shall
22 implement this division of this Act.

23 1. During the implementation period all of the
24 following shall apply:

25 a. The board shall provide for staggered terms
26 of directors in the same manner as required for the
27 initial terms of office of a reconstituted board
28 pursuant to section 185C.7. However, the board is not
29 required to draw lots as otherwise provided in that
30 section.

31 b. The board is not required to fill a vacancy for
32 an unexpired term as required in section 185C.9.

33 c. The board may reduce the number of years of a
34 director's term in order to comply with this section.

35 2. The board shall complete implementation of this
36 Act not later than July 1, 2014.

37 Sec. 111. EFFECTIVE UPON ENACTMENT. This division
38 of this Act, being deemed of immediate importance,
39 takes effect upon enactment.

40 DIVISION XIV

41 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

42 Sec. 112. Section 312.3, subsection 2, Code 2013,
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. d. For purposes of apportioning
45 among the cities of the state the percentage of
46 the road use tax fund to be credited to the street
47 construction fund of the cities for each month
48 beginning March 2011 and ending March 2021 pursuant to
49 this subsection, the population of each city shall be
50 determined by the greater of the population of the city

1 as of the last preceding certified federal census or
2 as of the April 1, 2010, population estimates base as
3 determined by the United States census bureau.

4 Sec. 113. STREET CONSTRUCTION FUND –
5 APPROPRIATION.

6 1. In a written application to the treasurer of
7 state submitted by October 1, 2013, a city may request
8 an additional distribution of moneys to be credited
9 to the street construction fund of the city equal to
10 that additional amount, calculated by the treasurer,
11 that the city would have received if the funds were
12 apportioned based upon the population of the city as
13 determined by section 312.3, subsection 2, paragraph
14 "d", as enacted in this division of this Act, for the
15 months prior to the effective date of this division of
16 this Act.

17 2. Upon determination by the treasurer of state
18 that an additional amount should be credited to a city
19 as provided by this section, there is appropriated from
20 the general fund of the state to the department of
21 transportation, for the fiscal year beginning July 1,
22 2013, and ending June 30, 2014, an amount sufficient to
23 pay the additional amount which shall be distributed to
24 the city for deposit in the street construction fund
25 of the city.

26 Sec. 114. EFFECTIVE UPON ENACTMENT. This division
27 of this Act, being deemed of immediate importance,
28 takes effect upon enactment.

29 Sec. 115. RETROACTIVE APPLICABILITY. This division
30 of this Act applies retroactively to March 2011.

31 DIVISION XV

32 IOWACARE

33 MEDICAL ASSISTANCE – IOWACARE TRANSFER ALLOCATION

34 Sec. 116. 2011 Iowa Acts, chapter 129, section 122,
35 subsection 13, as amended by 2012 Iowa Acts, chapter
36 1133, section 10, is amended to read as follows:

37 13. Of the funds appropriated in this section, up
38 to ~~\$8,684,329~~ \$16,004,422 may be transferred to the
39 IowaCare account created in section 249J.24.

40 IOWACARE ACCOUNT APPROPRIATIONS – UNIVERSITY OF IOWA
41 HOSPITALS AND CLINICS

42 Sec. 117. 2011 Iowa Acts, chapter 129, section 146,
43 subsection 1, paragraph c, as amended by 2012 Iowa
44 Acts, chapter 1133, section 40, is amended to read as
45 follows:

46 c. The university of Iowa hospitals and clinics
47 shall certify public expenditures in an amount equal to
48 provide the nonfederal share on total expenditures not
49 to exceed ~~\$32,000,000~~ \$26,000,000.

50 Sec. 118. 2011 Iowa Acts, chapter 129, section 146,

1 subsection 2, unnumbered paragraph 2, as amended by
2 2012 Iowa Acts, chapter 1133, section 41, is amended
3 to read as follows:

4 For salaries, support, maintenance, equipment, and
5 miscellaneous purposes, for the provision of medical
6 and surgical treatment of indigent patients, for
7 provision of services to members of the expansion
8 population pursuant to chapter 249J, and for medical
9 education:

10 \$ ~~45,654,133~~
11 52,569,199

12 Sec. 119. 2011 Iowa Acts, chapter 129, section 146,
13 subsection 3, is amended to read as follows:

14 3. There is appropriated from the IowaCare account
15 created in section 249J.24, to the state board
16 of regents for distribution to university of Iowa
17 physicians for the fiscal year beginning July 1, 2012,
18 and ending June 30, 2013, the following amount, or
19 so much thereof as is necessary to be used for the
20 purposes designated:

21 For salaries, support, maintenance, equipment, and
22 miscellaneous purposes for the provision of medical and
23 surgical treatment of indigent patients, for provision
24 of services to members of the expansion population
25 pursuant to chapter 249J, and for medical education:

26 \$ ~~16,277,753~~
27 19,806,365

28 Notwithstanding any provision of law to the
29 contrary, the amount appropriated in this subsection
30 shall be distributed based on claims submitted,
31 adjudicated, and paid by the Iowa Medicaid enterprise.
32 Once the entire amount appropriated in this subsection
33 has been distributed, claims shall continue to
34 be submitted and adjudicated by the Iowa Medicaid
35 enterprise; however, no payment shall be made based
36 upon such claims.

37 Sec. 120. 2011 Iowa Acts, chapter 129, section
38 146, subsection 6, unnumbered paragraphs 1 and 2, are
39 amended to read as follows:

40 There is appropriated from the IowaCare account
41 created in section 249J.24 to the department of human
42 services for the fiscal year beginning July 1, 2012,
43 and ending June 30, 2013, the following amount, or
44 so much thereof as is necessary to be used for the
45 purposes designated:

46 For a care coordination pool to pay the expansion
47 population providers consisting of the university of
48 Iowa hospitals and clinics, the publicly owned acute
49 care teaching hospital as specified in section 249J.7,
50 and current medical assistance program providers that

1 are not expansion population network providers pursuant
 2 to section 249J.7, for services covered by the full
 3 benefit medical assistance program but not under the
 4 IowaCare program pursuant to section 249J.6, that are
 5 provided to expansion population members:

6	\$	1,500,000
7		<u>2,500,000</u>

8 Sec. 121. 2011 Iowa Acts, chapter 129, section 146,
 9 is amended by adding the following new subsection:

10 NEW SUBSECTION. 8. For the fiscal year beginning
 11 July 1, 2012, and ending June 30, 2013, the state board
 12 of regents shall transfer \$1,275,577 to the IowaCare
 13 account created in section 249J.24, to provide the
 14 nonfederal share for distribution to university of Iowa
 15 physicians under the IowaCare program.

16 Sec. 122. EFFECTIVE UPON ENACTMENT. This division
 17 of this Act, being deemed of immediate importance,
 18 takes effect upon enactment.

19 DIVISION XVI

20 HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT

21 DISTRICT TAX CREDITS

22 Sec. 123. Section 404A.1, subsection 2, paragraph
 23 e, Code 2013, is amended to read as follows:

24 e. "Substantial rehabilitation" means qualified
 25 rehabilitation costs that meet or exceed the following:

26 (1) In the case of commercial property, costs
 27 totaling at least fifty thousand dollars or fifty
 28 percent of the assessed value of the property,
 29 excluding the land, prior to the rehabilitation,
 30 whichever is less.

31 (2) In the case of ~~residential property or barns~~
 32 other than commercial property, costs totaling at least
 33 twenty-five thousand dollars or twenty-five percent
 34 of the assessed value, excluding the land, prior to
 35 rehabilitation, whichever is less.

36 Sec. 124. Section 404A.3, subsection 3, paragraph
 37 b, Code 2013, is amended to read as follows:

38 b. The eligible property shall be placed in service
 39 within either sixty months of the date on which the
 40 project application was approved under this section,
 41 or seventy-two months of the date on which the project
 42 application was approved under this section if more
 43 than fifty percent of the qualified rehabilitation
 44 costs are incurred within sixty months of the date on
 45 which the project application was approved under this
 46 section.

47 Sec. 125. Section 404A.4, subsection 2, paragraph
 48 d, Code 2013, is amended to read as follows:

49 d. For the fiscal year beginning July 1, 2012,
 50 ~~and for each fiscal year thereafter,~~ the office shall

1 reserve not more than forty-five million dollars worth
2 of tax credits for any one taxable year.

3 Sec. 126. Section 404A.4, subsection 2, Code 2013,
4 is amended by adding the following new paragraphs:

5 NEW PARAGRAPH. e. For a fiscal year beginning
6 on or after July 1, 2013, but before July 1, 2016,
7 the office shall reserve not more than sixty million
8 dollars worth of tax credits for any one taxable year.

9 NEW PARAGRAPH. f. For the fiscal year beginning
10 July 1, 2016, and for each fiscal year thereafter,
11 the office shall reserve not more than fifty million
12 dollars worth of tax credits for any one taxable year.

13 Sec. 127. Section 404A.4, subsection 4, paragraph
14 a, Code 2013, is amended to read as follows:

15 a. The total amount of tax credits that may be
16 approved for a fiscal year prior to the fiscal year
17 beginning July 1, 2012, under this chapter shall not
18 exceed fifty million dollars. The total amount of
19 tax credits that may be approved for ~~a~~ the fiscal
20 year beginning on ~~or after~~ July 1, 2012, shall not
21 exceed forty-five million dollars. The total amount
22 of tax credits that may be approved for a fiscal year
23 beginning on or after July 1, 2013, but before July
24 1, 2016, shall not exceed sixty million dollars. The
25 total amount of tax credits that may be approved for a
26 fiscal year beginning on or after July 1, 2016, shall
27 not exceed fifty million dollars.

28 Sec. 128. Section 404A.4, subsection 4, paragraph
29 b, subparagraph (1), Code 2013, is amended to read as
30 follows:

31 (1) Ten percent of the dollar amount of tax credits
32 shall be allocated for purposes of new projects with
33 final qualified rehabilitation costs of ~~five~~ seven
34 hundred fifty thousand dollars or less.

35 Sec. 129. EFFECTIVE UPON ENACTMENT. The following
36 provision or provisions of this division of this Act,
37 being deemed of immediate importance, take effect upon
38 enactment:

39 1. The section amending section 404A.3.

40 Sec. 130. APPLICABILITY. The following provision
41 or provisions of this division of this Act apply to
42 eligible property to be placed in service on or after
43 the effective date of this division of this Act:

44 1. The section amending section 404A.3.

45 DIVISION XVII
46 INCOME TAXES

47 Sec. 131. Section 422.5, subsection 1, paragraph j,
48 subparagraph (2), subparagraph division (a), Code 2013,
49 is amended to read as follows:

50 (a) The tax imposed upon the taxable income of

1 a resident shareholder in an S corporation or of
2 an estate or trust with a situs in Iowa that is a
3 shareholder in an S corporation, which S corporation
4 has in effect for the tax year an election under
5 subchapter S of the Internal Revenue Code and carries
6 on business within and without the state, may be
7 computed by reducing the amount determined pursuant
8 to paragraphs "a" through "i" by the amounts of
9 nonrefundable credits under this division and by
10 multiplying this resulting amount by a fraction of
11 which the resident's or estate's or trust's net income
12 allocated to Iowa, as determined in section 422.8,
13 subsection 2, paragraph "b", is the numerator and the
14 resident's or estate's or trust's total net income
15 computed under section 422.7 is the denominator. If
16 a resident shareholder, or an estate or trust with
17 a situs in Iowa that is a shareholder, has elected
18 to take advantage of this subparagraph (2), and for
19 the next tax year elects not to take advantage of
20 this subparagraph, the resident or estate or trust
21 shareholder shall not reelect to take advantage of
22 this subparagraph for the three tax years immediately
23 following the first tax year for which the shareholder
24 elects not to take advantage of this subparagraph,
25 unless the director consents to the reelection. This
26 subparagraph also applies to individuals who are
27 residents of Iowa for less than the entire tax year.

28 Sec. 132. Section 422.8, subsection 2, paragraph b,
29 unnumbered paragraph 1, Code 2013, is amended to read
30 as follows:

31 A resident's income, or the income of an estate
32 or trust with a situs in Iowa, allocable to Iowa is
33 the income determined under section 422.7 reduced by
34 items of income and expenses from an S corporation that
35 carries on business within and without the state when
36 those items of income and expenses pass directly to the
37 shareholders under provisions of the Internal Revenue
38 Code. These items of income and expenses are increased
39 by the greater of the following:

40 Sec. 133. Section 422.15, subsection 2, Code 2013,
41 is amended to read as follows:

42 2. Every partnership, including limited
43 ~~partnerships organized under chapter 488, having a~~
44 ~~place of business in the state, doing business in this~~
45 ~~state, or deriving income from sources within this~~
46 state as defined in section 422.33, subsection 1, shall
47 make a return, stating specifically the net income
48 and capital gains (or losses) reported on the federal
49 partnership return, the names and addresses of the
50 partners, and their respective shares in said amounts.

1 Sec. 134. EFFECTIVE UPON ENACTMENT. This division
2 of this Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 Sec. 135. RETROACTIVE APPLICABILITY. The following
5 provision or provisions of this division of this Act
6 apply retroactively to January 1, 2013, for tax years
7 beginning on or after that date:

8 1. The section amending section 422.5.

9 2. The section amending section 422.8.

10 3. The section amending section 422.15.

11 DIVISION XVIII

12 SALES AND USE TAXES

13 Sec. 136. Section 423.1, subsection 5, Code 2013,
14 is amended to read as follows:

15 5. "Agricultural production" includes the production
16 of flowering, ornamental, or vegetable plants in
17 commercial greenhouses or otherwise, and production
18 from aquaculture, and production from silvicultural
19 activities. "Agricultural products" includes
20 flowering, ornamental, or vegetable plants and those
21 products of aquaculture and silviculture.

22 Sec. 137. Section 423.2, subsection 6, paragraph a,
23 Code 2013, is amended to read as follows:

24 a. The sales price of any of the following
25 enumerated services is subject to the tax imposed
26 by subsection 5: alteration and garment repair;
27 armored car; vehicle repair; battery, tire, and
28 allied; investment counseling; service charges of
29 all financial institutions; barber and beauty; boat
30 repair; vehicle wash and wax; campgrounds; carpentry;
31 roof, shingle, and glass repair; dance schools
32 and dance studios; dating services; dry cleaning,
33 pressing, dyeing, and laundering; electrical and
34 electronic repair and installation; excavating and
35 grading; farm implement repair of all kinds; flying
36 service; furniture, rug, carpet, and upholstery
37 repair and cleaning; fur storage and repair; golf and
38 country clubs and all commercial recreation; gun and
39 camera repair; house and building moving; household
40 appliance, television, and radio repair; janitorial and
41 building maintenance or cleaning; jewelry and watch
42 repair; lawn care, landscaping, and tree trimming
43 and removal; limousine service, including driver;
44 machine operator; machine repair of all kinds; motor
45 repair; motorcycle, scooter, and bicycle repair;
46 oilers and lubricators; office and business machine
47 repair; painting, papering, and interior decorating;
48 parking facilities; pay television; pet grooming; pipe
49 fitting and plumbing; wood preparation; executive
50 search agencies; private employment agencies, excluding

1 services for placing a person in employment where the
2 principal place of employment of that person is to be
3 located outside of the state; reflexology; security
4 and detective services, excluding private security
5 and detective services furnished by a peace officer
6 with the knowledge and consent of the chief executive
7 officer of the peace officer's law enforcement
8 agency; sewage services for nonresidential commercial
9 operations; sewing and stitching; shoe repair and
10 shoeshine; sign construction and installation;
11 storage of household goods, mini-storage, and
12 warehousing of raw agricultural products; swimming
13 pool cleaning and maintenance; tanning beds or salons;
14 taxidermy services; telephone answering service; test
15 laboratories, including mobile testing laboratories and
16 field testing by testing laboratories, and excluding
17 tests on humans or animals; termite, bug, roach,
18 and pest eradicators; tin and sheet metal repair;
19 transportation service consisting of the rental of
20 recreational vehicles or recreational boats, or the
21 rental of motor vehicles subject to registration which
22 are registered for a gross weight of thirteen tons
23 or less for a period of sixty days or less, or the
24 rental of aircraft for a period of sixty days or less;
25 Turkish baths, massage, and reducing salons, excluding
26 services provided by massage therapists licensed
27 under chapter 152C; water conditioning and softening;
28 weighing; welding; well drilling; wrapping, packing,
29 and packaging of merchandise other than processed meat,
30 fish, fowl, and vegetables; wrecking service; wrecker
31 and towing.

32 Sec. 138. Section 423.3, subsection 47, paragraph
33 d, subparagraph (4), Code 2013, is amended to read as
34 follows:

35 (4) "Manufacturer" means ~~as defined in section~~
36 ~~428.20~~ a person who purchases, receives, or holds
37 personal property of any description for the purpose
38 of adding to its value by a process of manufacturing,
39 refining, purifying, combining of different materials,
40 or by the packing of meats, with a view to selling
41 the property for gain or profit, but also includes
42 contract manufacturers. A contract manufacturer is a
43 manufacturer that otherwise falls within the definition
44 of manufacturer ~~under section 428.20~~, except that
45 a contract manufacturer does not sell the tangible
46 personal property the contract manufacturer processes
47 on behalf of other manufacturers. A business engaged
48 in activities subsequent to the extractive process of
49 quarrying or mining, such as crushing, washing, sizing,
50 or blending of aggregate materials, is a manufacturer

1 with respect to these activities. This subparagraph
2 (4) shall not be construed to require that a person
3 be primarily engaged in an activity listed in this
4 subparagraph in order to qualify as a manufacturer for
5 purposes of this subsection.

6 Sec. 139. Section 423.3, Code 2013, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 99. The sales price from services
9 furnished by forestry consultants and forestry vendors
10 engaged in forestry practices on private or public
11 land.

12 DIVISION XIX

13 IOWA FUND OF FUNDS

14 Sec. 140. Section 15E.62, Code 2013, is amended by
15 adding the following new subsections:

16 NEW SUBSECTION. 03. "Creditor" means a person,
17 including an assignee of or successor to such person,
18 who extends credit or makes a loan to the Iowa fund of
19 funds or to a designated investor, and includes any
20 person who refinances such credit or loan.

21 NEW SUBSECTION. 04. "Fund documents" means all
22 agreements relating to matters under the purview of
23 this division VII entered into prior to the effective
24 date of this division of this Act between or among
25 the state, the Iowa fund of funds, a fund allocation
26 manager or similar manager, the Iowa capital investment
27 corporation, the board, a creditor, a designated
28 investor, and a private seed or venture capital
29 partnership, and includes other documents having the
30 same force and effect between or among such parties,
31 as any of the foregoing may be amended, modified,
32 restated, or replaced from time to time.

33 Sec. 141. Section 15E.65, subsection 2, paragraph
34 h, Code 2013, is amended to read as follows:

35 ~~h. Fifty years after the organization of the~~
36 ~~Iowa fund of funds~~ As soon as practicable after the
37 effective date of this division of this Act, the
38 Iowa capital investment corporation, in conjunction
39 with the department of revenue, the board, and the
40 attorney general, shall wind up the Iowa fund of
41 funds pursuant to section 15E.72 and shall cause the
42 Iowa fund of funds to be liquidated with all of its
43 assets distributed to its owners in accordance with
44 the provisions of its organizational documents and in
45 accordance with the fund documents. In liquidating
46 such assets, the capital investment corporation, the
47 department of revenue, the board, and the attorney
48 general shall act with prudence and caution in order
49 to minimize costs and fees and to preserve investment
50 assets to the extent reasonably possible.

1 Sec. 142. NEW SECTION. 15E.72 Program wind-up and
2 future repeal.

3 1. Organization of additional funds prohibited.
4 Notwithstanding section 15E.65, an Iowa fund of funds
5 shall not be organized on or after the effective date
6 of this division of this Act.

7 2. New investments by the fund of funds
8 prohibited. Notwithstanding section 15E.65, the Iowa
9 fund of funds shall not make new investments in private
10 seed and venture capital partnerships or entities on or
11 after the effective date of this division of this Act
12 except as required by the fund documents.

13 3. New investments by designated investors
14 prohibited.

15 a. Except as provided in paragraph "b", and
16 notwithstanding any other provision in this division
17 VII, a designated investor shall not invest in the Iowa
18 fund of funds on or after the effective date of this
19 division of this Act.

20 b. Notwithstanding the prohibition in paragraph
21 "a", a designated investor may invest in the Iowa
22 fund of funds on or after the effective date of this
23 division of this Act to the extent such investment
24 is required by the fund documents. In addition, the
25 director of revenue, with the approval of the attorney
26 general, may authorize additional investment in the
27 Iowa fund of funds but only if such an investment is
28 necessary to preserve fund assets, repay creditors, pay
29 taxes, or otherwise effectuate an orderly wind-up of
30 the program pursuant to this section.

31 4. Issuance, verification, and redemption of new
32 certificates prohibited.

33 a. Except as provided in paragraph "b", and
34 notwithstanding any other provision in this division
35 VII, the board shall not issue, verify, or redeem a
36 certificate or a related tax credit on or after the
37 effective date of this division of this Act.

38 b. Notwithstanding the prohibition in paragraph
39 "a", the board may issue, redeem, or verify a
40 certificate or a related tax credit under any of the
41 following conditions:

42 (1) The board is required to do so under the terms
43 of the fund documents.

44 (2) The issuance, redemption, or verification is
45 deemed necessary by the director of revenue and the
46 attorney general in order to arrange new financing
47 terms with a creditor.

48 (3) The issuance, redemption, or verification
49 is deemed necessary by the director of revenue and
50 the attorney general to preserve fund assets, repay

1 creditors, or otherwise effectuate an orderly wind-up
2 of the program pursuant to this section.

3 5. New fund allocation managers prohibited.

4 a. Notwithstanding any other provision in this
5 division VII, the Iowa capital investment corporation
6 shall not have authority to solicit, select, terminate,
7 or change a fund allocation manager or similar manager
8 on or after the effective date of this division of this
9 Act.

10 b. On or after the effective date of this division
11 of this Act, all decisions pertaining to relationships
12 with a fund allocation manager or similar manager
13 selected prior to the effective date of this division
14 of this Act shall be made by the director of revenue
15 with the approval of the attorney general. This
16 subsection shall not be construed to impair the terms
17 of the fund documents.

18 6. Pledging of certificates prohibited.

19 a. Except as provided in paragraph "b", and
20 notwithstanding any other provision of law to the
21 contrary, a certificate and a related tax credit or
22 verified tax credit issued by the board shall not be
23 pledged by a designated investor as security for a loan
24 or an extension of credit on or after the effective
25 date of this division of this Act.

26 b. Notwithstanding the prohibition in paragraph
27 "a", a certificate and related tax credit or verified
28 tax credit issued by the board may be pledged by
29 a designated investor as security for a loan or an
30 extension of credit to the extent such pledge is
31 required by the fund documents. In addition, the
32 board, with the approval of the director of revenue
33 and the attorney general, may authorize a certificate
34 and related tax credit to be pledged as security for
35 a loan or an extension of credit, but only if such a
36 pledge is necessary to arrange new financing terms with
37 a creditor or to repay creditors for moneys loaned or
38 credit extended to a designated investor.

39 7. Rural and small business loan guarantees
40 prohibited. Notwithstanding any other provision in
41 this division VII to the contrary, the Iowa capital
42 investment corporation shall not make rural and small
43 business loan guarantees or otherwise administer a
44 program to provide loan guarantees and other related
45 credit enhancements on loans to rural and small
46 business borrowers within the state of Iowa on or after
47 the effective date of this division of this Act.

48 8. Iowa capital investment corporation purposes
49 amended. Notwithstanding section 15E.64, on or after
50 the effective date of this division of this Act, the

1 purposes of the Iowa capital investment corporation
2 shall be to comply with its obligations under the
3 fund documents and to assist the board, the director
4 of revenue, and the attorney general in effectuating
5 the orderly wind-up of the Iowa fund of funds.

6 In effectuating such a wind-up, the Iowa capital
7 investment corporation shall comply with all reasonable
8 requests by the board, the director of revenue, the
9 attorney general, or the auditor of state.

10 9. Use of revolving fund prohibited.

11 a. Notwithstanding section 15E.65, subsection 2,
12 paragraph "a", on or after the effective date of this
13 division of this Act, all investment returns received
14 by the Iowa capital investment corporation that are in
15 excess of those payable to designated investors shall
16 be deposited in the general fund of the state.

17 b. This subsection shall not be construed to
18 impair the terms of the fund documents. It is the
19 intent of the general assembly that this subsection
20 only applies in the event that there are investment
21 returns in excess of those necessary to repay creditors
22 and designated investors under the terms of the fund
23 documents.

24 10. Preservation of existing rights. This section
25 is not intended to and shall not limit, modify,
26 or otherwise adversely affect the fund documents,
27 including any certificate or related tax credit issued
28 before the effective date of this division of this Act.

29 11. Future repeal. This division VII is repealed
30 upon the occurrence of one of the following, whichever
31 is earlier:

32 a. The expiration or termination of all fund
33 documents. The director of revenue shall notify the
34 Iowa Code editor upon the occurrence of this condition.

35 b. December 31, 2027.

36 Sec. 143. EFFECTIVE UPON ENACTMENT. This division
37 of this Act, being deemed of immediate importance,
38 takes effect upon enactment.

39 DIVISION XX

40 STUDY REPORT

41 Sec. 144. ADMINISTRATIVE APPEALS PROCESS FOR
42 TAX MATTERS AND NEW TAX APPEAL BOARD — REPORT. The
43 department of revenue, in consultation with the
44 department of management and other interested
45 stakeholders, shall study the independence,
46 effectiveness, and fairness of the state's current
47 administrative appeals processes for tax matters and
48 shall make recommendations for changes, if necessary,
49 and shall additionally study the desirability,
50 practicality, and feasibility of replacing components

1 of these processes with a new consolidated and
2 independent administrative appeals board for tax
3 matters within the executive branch to resolve disputes
4 between the department of revenue and taxpayers.
5 The department of revenue shall prepare and file a
6 report detailing its findings and recommendations
7 with the chairpersons and ranking members of the ways
8 and means committees of the senate and the house of
9 representatives and with the legislative services
10 agency by January 8, 2014. This section of this Act
11 shall not be construed to provide the department of
12 revenue with the power or authority to eliminate or in
13 any way modify the property assessment appeals board
14 created pursuant to section 421.1A.

15 DIVISION XXI

16 SECURE AN ADVANCED VISION FOR EDUCATION FUND

17 Sec. 145. Section 423F.2, subsection 1, paragraph
18 b, Code 2013, is amended to read as follows:

19 b. The increase in the state sales, services, and
20 use taxes under chapter 423, subchapters II and III,
21 from five percent to six percent shall replace the
22 repeal of the county's local sales and services tax for
23 school infrastructure purposes. The distribution of
24 moneys in the secure an advanced vision for education
25 fund and the use of the moneys for infrastructure
26 purposes or property tax relief shall be as provided
27 in this chapter. ~~However, the formula for the~~
28 ~~distribution of the moneys in the fund shall be based~~
29 ~~upon amounts that would have been received if the local~~
30 ~~sales and services taxes under former chapter 423E,~~
31 ~~Code and Code Supplement 2007, continued in existence.~~

32 Sec. 146. Section 423F.2, subsection 3, Code 2013,
33 is amended to read as follows:

34 3. The moneys available in a fiscal year in the
35 secure an advanced vision for education fund shall be
36 distributed by the department of revenue to each school
37 district ~~in an amount equal to the amount the school~~
38 ~~district would have received pursuant to the formula~~
39 ~~in section 423E.4 as if the local sales and services~~
40 ~~tax for school infrastructure purposes was imposed on a~~
41 per pupil basis calculated using each school district's
42 budget enrollment, as defined in section 257.6, for
43 that fiscal year. Moneys in a fiscal year that are in
44 excess of that needed to provide each school district
45 with its formula amount Prior to distribution of moneys
46 in the secure an advanced vision for education fund to
47 school districts, two and one-tenths percent of the
48 moneys available in a fiscal year shall be distributed
49 and credited to the property tax equity and relief fund
50 created in section 257.16A.

1 Sec. 147. APPLICABILITY. This division of this
2 Act applies to fiscal years beginning on or after July
3 1, 2014.

4 DIVISION XXII

5 SCHOOL EMPLOYEES — BACKGROUND INVESTIGATIONS

6 Sec. 148. NEW SECTION. 279.69 School employees —
7 background investigations.

8 1. Prior to hiring an applicant for a school
9 employee position, a school district shall have access
10 to and shall review the information in the Iowa court
11 information system available to the general public,
12 the sex offender registry information under section
13 692A.121 available to the general public, the central
14 registry for child abuse information established under
15 section 235A.14, and the central registry for dependent
16 adult abuse information established under section
17 235B.5 for information regarding the applicant. A
18 school district shall follow the same procedure by June
19 30, 2014, for each school employee employed by the
20 school district as of July 1, 2013. A school district
21 shall also follow the same procedure every five years
22 upon the anniversary of each school employee's year of
23 hire. A school district shall not charge an employee
24 for the cost of the registry checks conducted pursuant
25 to this subsection. A school district shall maintain
26 documentation demonstrating compliance with this
27 subsection.

28 2. Being listed in the sex offender registry
29 established under chapter 692A, the central registry
30 for child abuse information established under section
31 235A.14, or the central registry for dependent adult
32 abuse information established under section 235B.5
33 shall constitute grounds for the immediate suspension
34 from duties of a school employee, pending a termination
35 hearing by the board of directors of a school district.
36 A termination hearing conducted pursuant to this
37 subsection shall be limited to the question of whether
38 the school employee was incorrectly listed in the
39 registry.

40 3. For purposes of this section, "school employee"
41 means an individual employed by a school district,
42 including a part-time, substitute, or contract
43 employee. "School employee" does not include an
44 individual subject to a background investigation
45 pursuant to section 272.2, subsection 17, section
46 279.13, subsection 1, paragraph "b", or section
47 321.375, subsection 2.

48 Sec. 149. STATE MANDATE FUNDING SPECIFIED. In
49 accordance with section 25B.2, subsection 3, the state
50 cost of requiring compliance with any state mandate

1 included in this division of this Act shall be paid
2 by a school district from state school foundation
3 aid received by the school district under section
4 257.16. This specification of the payment of the
5 state cost shall be deemed to meet all of the state
6 funding-related requirements of section 25B.2,
7 subsection 3, and no additional state funding shall be
8 necessary for the full implementation of this division
9 of this Act by and enforcement of this division of this
10 Act against all affected school districts.

11 DIVISION XXIII

12 FOOD BANKS

13 SUBCHAPTER I

14 GENERAL

15 Sec. 150. NEW SECTION. 190B.101 Purpose.

16 The purpose of this chapter is to effectively
17 and efficiently utilize Iowa's abundant supplies of
18 nutritional food to relieve situations of emergency
19 or distress experienced by individuals or families in
20 need who reside in this state, including low-income
21 individuals or families and unemployed individuals or
22 families.

23 Sec. 151. NEW SECTION. 190B.102 Definitions.

24 As used in this chapter, unless the context
25 otherwise requires:

26 1. "Federal emergency food assistance program" means
27 the federal emergency food assistance program, as
28 provided in 7 C.F.R. pts. 250 and 251.

29 2. "Food" means a substance which is used in whole
30 or in part for human consumption in compliance with
31 federal and state standards or requirements including a
32 donated food that meets the requirements of the federal
33 emergency food assistance program.

34 3. "Food commodity" means any commodity that is
35 derived from an agricultural animal or crop, both
36 as defined in section 717A.1, that is produced on
37 agricultural land as defined in section 425A.2, and
38 that is intended to be used as food in its raw or
39 processed state.

40 4. "Iowa emergency feeding organization" means a
41 public or private nonprofit organization whose mission
42 is compatible with the purpose of this chapter as
43 provided in section 190B.101 and which includes an
44 Iowa food bank or other organization that operates
45 at a congregate nutritional site or that provides
46 home-delivered meals in this state. An Iowa emergency
47 feeding organization includes but is not limited to a
48 food pantry, hunger relief center, or soup kitchen.

49 5. "Iowa food bank" means a private nonprofit
50 organization which meets all of the following

1 requirements:

2 a. It receives, holds, and directly or indirectly
3 distributes food principally to Iowa emergency feeding
4 organizations in a manner compatible with the purpose
5 of this chapter as provided in section 190B.101.

6 b. It is an organization described in section
7 501(c)(3) of the Internal Revenue Code and exempt from
8 taxation under section 501(a) of the Internal Revenue
9 Code.

10 c. It receives contributions that are deductible
11 under section 170 of the Internal Revenue Code.

12 6. "Iowa food bank association" or "association"
13 means an organization that meets all of the following
14 requirements:

15 a. It is organized as a nonprofit corporation under
16 chapter 504.

17 b. Its principal office is or has been located in
18 this state.

19 c. It is an organization described in section
20 501(c)(3) of the Internal Revenue Code and exempt from
21 taxation under section 501(a) of the Internal Revenue
22 Code.

23 d. It receives contributions that are deductible
24 under section 170 of the Internal Revenue Code.

25 e. Its members include Iowa food banks, or
26 affiliations of Iowa food banks, that together serve
27 all counties in this state.

28 SUBCHAPTER II

29 IOWA FOOD-LINK TO FOOD-BANK INITIATIVE

30 Sec. 152. NEW SECTION. 190B.201 Definition.

31 As used in this subchapter, "department" means the
32 department of human services.

33 Sec. 153. NEW SECTION. 190B.202 Department of
34 human services – cooperation with other agencies.

35 1. This subchapter shall be administered by the
36 department of human services.

37 2. The department shall adopt all rules necessary
38 to administer this subchapter.

39 3. Each fiscal year, the department shall award
40 the amount appropriated in section 190B.203, to an
41 Iowa food bank association selected by the department
42 to manage programs associated with an Iowa food-link
43 to food-bank initiative. The moneys appropriated in
44 section 190B.203 shall be allocated on a matching basis
45 as provided in that section. The department shall
46 execute a contract with the association to provide for
47 the terms and conditions of the program's management.
48 A contract shall not obligate the state to pay moneys
49 for multiple fiscal years.

50 4. The department of agriculture and land

1 stewardship, the department of public health, and the
2 department of inspections and appeals shall cooperate
3 with the department of human services to administer the
4 Iowa food-link to food-bank initiative.

5 Sec. 154. NEW SECTION. 190B.203 Iowa food-link to
6 food-bank initiative – appropriation.

7 1. For the fiscal year beginning July 1, 2013,
8 and ending June 30, 2014, and for each subsequent
9 fiscal year, there is appropriated from the general
10 fund of the state to the department of human services
11 the amount of two million dollars to support an Iowa
12 food-link to food-bank initiative to further the
13 purpose provided in section 190B.101.

14 2. The department of human services shall allocate
15 the amount appropriated in subsection 1 to an Iowa food
16 bank association selected by the department as provided
17 in section 190B.202 for purposes of supporting the
18 following programs:

19 a. An Iowa emergency food purchase program. The
20 department shall allocate up to one million seven
21 hundred thousand dollars to the association for the
22 purchase of food on behalf of an Iowa emergency feeding
23 organization or for the distribution of moneys to Iowa
24 emergency feeding organizations for the purchase of
25 food.

26 (1) A preference shall be provided to the purchase
27 of food produced, processed, or packaged within this
28 state whenever reasonably practicable.

29 (2) The food shall be purchased in a manner that
30 best furthers a significant economic benefit to
31 communities of this state.

32 b. An Iowa emergency food nutritional education
33 program. The department shall allocate up to one
34 hundred thousand dollars to the association to
35 distribute the moneys to one or more Iowa emergency
36 feeding organizations in order to provide instruction
37 regarding nutrition and promote a lifelong healthy
38 diet.

39 c. A transportation and storage program. The
40 department shall allocate up to two hundred thousand
41 dollars to the association for the limited purposes of
42 paying costs directly associated with transporting or
43 storing donated food associated with the Iowa food-link
44 to food-bank initiative as provided in this subchapter.

45 3. The moneys appropriated in subsection 1 shall
46 be allocated as provided in subsection 2 only to the
47 extent that the allocated moneys are matched on a
48 dollar-for-dollar basis with moneys contributed by one
49 or more sources, including but not limited to an Iowa
50 food bank, but not including the state. The department

1 shall establish procedures or other requirements for
2 making and tracking matching contributions.

3 SUBCHAPTER III

4 FROM FARM TO FOOD DONATION TAX CREDIT

5 Sec. 155. NEW SECTION. 190B.301 Definitions.

6 As used in this subchapter, unless the context
7 otherwise requires:

8 1. "Department" means the department of revenue.

9 2. "Tax credit" means the from farm to food
10 donation tax credit as established in this subchapter.

11 Sec. 156. NEW SECTION. 190B.302 Department of
12 revenue – cooperation with other departments.

13 1. This subchapter shall be administered by the
14 department of revenue.

15 2. The department shall adopt all rules necessary
16 to administer this subchapter.

17 3. The department of agriculture and land
18 stewardship, the department of public health, the
19 department of human services, and the department
20 of inspections and appeals shall cooperate with the
21 department of revenue to administer this subchapter.

22 Sec. 157. NEW SECTION. 190B.303 From farm to food
23 donation tax credit.

24 A from farm to food donation tax credit is allowed
25 against the taxes imposed in chapter 422, divisions II
26 and III, as provided in this subchapter.

27 Sec. 158. NEW SECTION. 190B.304 From farm to food
28 donation tax credit – eligibility.

29 In order to qualify for a from farm to food donation
30 tax credit, all of the following must apply:

31 1. The taxpayer must produce the donated food
32 commodity.

33 2. The taxpayer must transfer title to the
34 donated food commodity to an Iowa food bank, or an
35 Iowa emergency feeding organization, recognized
36 by the department. The taxpayer shall not receive
37 remuneration for the transfer.

38 3. The donated food commodity cannot be damaged
39 or out-of-condition and declared to be unfit for
40 human consumption by a federal, state, or local health
41 official. A food commodity that meets the requirements
42 for donated foods pursuant to the federal emergency
43 food assistance program satisfies this requirement.

44 4. A taxpayer claiming the tax credit shall provide
45 documentation supporting the tax credit claim in a form
46 and manner prescribed by the department by rule.

47 Sec. 159. NEW SECTION. 190B.305 From farm to food
48 donation tax credit – claims filed by individuals who
49 belong to business entities.

50 An individual may claim a from farm to food donation

1 tax credit of a partnership, limited liability company,
2 S corporation, estate, or trust electing to have
3 income taxed directly to the individual. The amount
4 claimed by the individual shall be based upon the
5 pro rata share of the individual's earnings from the
6 partnership, limited liability company, S corporation,
7 estate, or trust.

8 Sec. 160. NEW SECTION. 190B.306 From farm to food
9 donation tax credit – limits on claims.

10 A from farm to food donation tax credit is subject
11 to all of the following limitations:

12 1. The tax credit shall not exceed a qualifying
13 amount for the tax year that the tax credit is claimed.
14 The qualifying amount is the lesser of the following:

15 a. Fifteen percent of the value of the commodities
16 donated during the tax year for which the credit
17 is claimed. The value of the commodities shall
18 be determined in the same manner as a charitable
19 contribution of food for federal tax purposes under
20 section 170(e)(3)(C) of the Internal Revenue Code.

21 b. Five thousand dollars.

22 2. A tax credit in excess of the taxpayer's
23 liability for the tax year is not refundable but may be
24 credited to the tax liability for the following five
25 years or until depleted, whichever is earlier.

26 3. If a tax credit is allowed, the amount of the
27 contribution for which the tax credit is claimed shall
28 not be deductible in determining taxable income for
29 state tax purposes.

30 4. A tax credit shall not be carried back to a tax
31 year prior to the tax year in which the taxpayer claims
32 the tax credit.

33 Sec. 161. NEW SECTION. 422.11E From farm to food
34 donation tax credit.

35 The taxes imposed under this division, less the
36 credits allowed under section 422.12, shall be reduced
37 by a from farm to food donation tax credit as allowed
38 under chapter 190B, subchapter III.

39 Sec. 162. Section 422.33, Code 2013, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 30. The taxes imposed under this
42 division shall be reduced by a from farm to food
43 donation tax credit as allowed under chapter 190B,
44 subchapter III.

45 Sec. 163. APPLICABILITY. The provisions of this
46 division of this Act providing for a from farm to food
47 donation tax credit applies to tax years beginning on
48 or after January 1, 2014.

49

50

1 Sec. 164. NATIONAL SPORTING EVENT – MARKETING –
2 INFRASTRUCTURE – APPROPRIATION.

3 1. There is appropriated from the general fund of
4 the state to the economic development authority for the
5 fiscal year beginning July 1, 2012, and ending June 30,
6 2013, the following amount, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 For distribution to an automobile racetrack facility
9 as defined in section 423.4, subsection 5, Code
10 2013, for the development and promotion of a national
11 sporting event at the facility:

12 \$ 8,000,000

13 2. The moneys appropriated in subsection 1 shall
14 be used for marketing and infrastructure purposes.
15 Moneys used for marketing purposes shall not be used
16 for salaries.

17 3. The authority shall distribute the moneys in the
18 following manner:

19 a. Two million dollars in the fiscal year beginning
20 July 1, 2013.

21 b. Two million dollars in the fiscal year beginning
22 July 1, 2014.

23 c. Two million dollars in the fiscal year beginning
24 July 1, 2015.

25 d. Two million dollars in the fiscal year beginning
26 July 1, 2016.

27 4. By September 1 of each year beginning September
28 1, 2014, and ending September 1, 2017, a recipient of
29 moneys distributed pursuant to this section shall file
30 a report with the authority providing specific detail
31 regarding the expenditure of such moneys during the
32 previous fiscal year.

33 5. Notwithstanding section 8.33, moneys
34 appropriated in this section that remain unencumbered
35 or unobligated shall not revert but shall remain
36 available for expenditure for the designated purposes
37 until July 1, 2017.

38 Sec. 165. EFFECTIVE UPON ENACTMENT. This division
39 of this Act, being deemed of immediate importance,
40 takes effect upon enactment.

41 DIVISION XXV

42 CITY FRANCHISE FEES

43 Sec. 166. Section 364.2, subsection 4, paragraph
44 f, subparagraph (1), Code 2013, is amended to read as
45 follows:

46 (1) (a) A franchise fee assessed by a city may be
47 based upon a percentage of gross revenues generated
48 from sales of the franchisee within the city not to
49 exceed five percent, except as provided in subparagraph
50 division (b), without regard to the city's cost of

1 inspecting, supervising, and otherwise regulating the
2 franchise.
3 (b) For franchise fees assessed and collected
4 during fiscal years beginning on or after July 1,
5 2013, but before July 1, 2030, by a city that is the
6 subject of a judgment, court-approved settlement, or
7 court-approved compromise providing for payment of
8 restitution, a refund, or a return described in section
9 384.3A, subsection 3, paragraph "j" , the rate of
10 the franchise fee shall not exceed seven and one-half
11 percent of gross revenues generated from sales of the
12 franchisee in the city, and franchise fee amounts
13 assessed and collected during such fiscal years in
14 excess of five percent of gross revenues generated from
15 sales shall be used solely for the purpose specified
16 in section 384.3A, subsection 3, paragraph "j". A city
17 may by an ordinance amending its franchise ordinance
18 assess and collect a franchise fee in excess of five
19 percent of gross revenues generated from the sales of
20 the franchisee pursuant to this subparagraph division
21 (b) for a single period not to exceed seven consecutive
22 fiscal years once the franchise fee is first imposed
23 at a rate in excess of five percent. Before adopting
24 an ordinance increasing the franchise fee rate to
25 greater than five percent pursuant to this subparagraph
26 division (b), the city council shall cause a notice of
27 the proposal to adopt such ordinance to be published
28 at least once in a newspaper of general circulation
29 within the city at least ten days prior to the meeting
30 at which the city council is proposed to take action
31 to adopt the ordinance to increase the franchise fee
32 rate to greater than five percent. If at any time
33 before the date fixed for taking action to adopt the
34 ordinance a petition is filed with the city clerk
35 signed by eligible electors of the city equal in number
36 to five percent of those who voted for the office of
37 governor at the preceding general election, asking that
38 the question of approving such ordinance be submitted
39 to the voters of the city, the city council shall
40 either by resolution declare the proposal to adopt
41 the ordinance to have been abandoned or shall call a
42 special election to vote upon the question of approving
43 the ordinance. If a majority of those voting on the
44 proposal approves the proposal, the city may proceed as
45 proposed. In the event of such an election, the full
46 text of the ordinance shall be printed on the ballot
47 and the full text of the ordinance shall be posted for
48 the voters pursuant to section 52.25. All absentee
49 voters shall receive the full text of the ordinance
50 along with the absentee ballot. This subparagraph

2 (02) Franchise fees collected pursuant to an
3 ordinance in effect on May 26, 2009, shall be deposited
4 in the city's general fund and such fees collected in
5 excess of the amounts necessary to inspect, supervise,
6 and otherwise regulate the franchise may be used by
7 the city for any other purpose authorized by law.

28 Sec. 167. Section 384.3A, subsection 3, Code 2013,
29 is amended by adding the following new paragraph:

47 Sec. 168. EFFECTIVE UPON ENACTMENT. This division
48 of this Act, being deemed of immediate importance,
49 takes effect upon enactment.

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1 SALARIES, COMPENSATION, AND RELATED MATTERS

2 Sec. 169. APPOINTED STATE OFFICERS.

3 1. The governor shall establish a salary for
4 appointed nonelected persons in the executive branch
5 of state government holding a position enumerated in
6 and within the salary ranges provided in 2008 Iowa
7 Acts, chapter 1191, section 14, by considering, among
8 other items, the experience of the individual in
9 the position, changes in the duties of the position,
10 the incumbent's performance of assigned duties, and
11 subordinates' salaries. However, the attorney general
12 shall establish the salary for the consumer advocate,
13 the chief justice of the supreme court shall establish
14 the salary for the state court administrator, the
15 ethics and campaign disclosure board shall establish
16 the salary of the executive director, and the Iowa
17 public broadcasting board shall establish the salary of
18 the administrator of the public broadcasting division
19 of the department of education, each within the salary
20 range provided in 2008 Iowa Acts, chapter 1191, section
21 14.

22 2. The governor, in establishing salaries as
23 provided in this section, shall take into consideration
24 other employee benefits which may be provided for an
25 individual including but not limited to housing.

26 3. A person whose salary is established pursuant
27 to this section and who is a full-time, year-round
28 employee of the state shall not receive any other
29 remuneration from the state or from any other source
30 for the performance of that person's duties unless
31 the additional remuneration is first approved by the
32 governor or authorized by law. However, this provision
33 does not exclude the reimbursement for necessary travel
34 and expenses incurred in the performance of duties or
35 fringe benefits normally provided to employees of the
36 state.

37 Sec. 170. COLLECTIVE BARGAINING AGREEMENTS FUNDED
38 - GENERAL FUND.

39 1. There is appropriated from the general fund
40 of the state to the salary adjustment fund for
41 distribution by the department of management to the
42 various state departments, boards, commissions,
43 councils, and agencies, including the state board of
44 regents, for the fiscal year beginning July 1, 2013,
45 and ending June 30, 2014, the amount of \$41,400,000,
46 or so much thereof as may be necessary, to fully fund
47 annual pay adjustments, expense reimbursements, and
48 related benefits implemented pursuant to the collective
49 bargaining agreements and noncontract state employee
50 provisions listed in subsection 2. As a condition of

1 the appropriation in this subsection, all benefits for
2 noncontract state employees shall be consistent with
3 the benefits provided under the collective bargaining
4 agreement that covers the greatest number of state
5 employees.

6 2. a. The collective bargaining agreement
7 negotiated pursuant to chapter 20 for employees in the
8 blue collar bargaining unit.

9 b. The collective bargaining agreement negotiated
10 pursuant to chapter 20 for employees in the public
11 safety bargaining unit.

12 c. The collective bargaining agreement negotiated
13 pursuant to chapter 20 for employees in the security
14 bargaining unit.

15 d. The collective bargaining agreement negotiated
16 pursuant to chapter 20 for employees in the technical
17 bargaining unit.

18 e. The collective bargaining agreement negotiated
19 pursuant to chapter 20 for employees in the
20 professional fiscal and staff bargaining unit.

21 f. The collective bargaining agreement negotiated
22 pursuant to chapter 20 for employees in the clerical
23 bargaining unit.

24 g. The collective bargaining agreement negotiated
25 pursuant to chapter 20 for employees in the
26 professional social services bargaining unit.

27 h. The collective bargaining agreement negotiated
28 pursuant to chapter 20 for employees in the
29 community-based corrections bargaining unit.

30 i. The collective bargaining agreements negotiated
31 pursuant to chapter 20 for employees in the judicial
32 branch of government bargaining units.

33 j. The collective bargaining agreement negotiated
34 pursuant to chapter 20 for employees in the patient
35 care bargaining unit.

36 k. The collective bargaining agreement negotiated
37 pursuant to chapter 20 for employees in the science
38 bargaining unit.

39 l. The collective bargaining agreement negotiated
40 pursuant to chapter 20 for employees in the university
41 of northern Iowa faculty bargaining unit.

42 m. The collective bargaining agreement negotiated
43 pursuant to chapter 20 for employees in the state
44 university of Iowa graduate student bargaining unit.

45 n. The collective bargaining agreement negotiated
46 pursuant to chapter 20 for employees in the state
47 university of Iowa hospital and clinics tertiary health
48 care bargaining unit.

49 o. The annual pay adjustments, related benefits,
50 and expense reimbursements referred to in the sections

1 of this division of this Act addressing noncontract
2 state and state board of regents employees who are not
3 covered by a collective bargaining agreement.

4 Sec. 171. NONCONTRACT STATE EMPLOYEES – GENERAL.

5 1. a. For the fiscal year beginning July 1, 2013,
6 the maximum and minimum salary levels of all pay plans
7 provided for in section 8A.413, subsection 3, as they
8 exist for the fiscal year ending June 30, 2013, shall
9 not increase.

10 b. For the fiscal year beginning July 1, 2013,
11 employees may receive a step increase or the equivalent
12 of a step increase.

13 c. The salary levels for noncontract judicial
14 branch employees shall not increase.

15 2. The pay plans for state employees who are
16 exempt from chapter 8A, subchapter IV, and who are
17 included in the department of administrative services'
18 centralized payroll system shall not be increased and
19 any additional changes in any executive branch pay
20 plans shall be approved by the governor.

21 3. This section does not apply to members of the
22 general assembly, board members, commission members,
23 salaries of persons set by the general assembly
24 pursuant to this division of this Act or set by the
25 governor, or other persons designated in the section of
26 this division of this Act addressing appointed state
27 officers, employees designated under section 8A.412,
28 subsection 5, and employees covered by [11 IAC 53.6](#)(3).

29 4. The pay plans for the bargaining eligible
30 employees of the state shall not be increased and
31 any additional changes in such executive branch pay
32 plans shall be approved by the governor. As used in
33 this section, "bargaining eligible employee" means an
34 employee who is eligible to organize under chapter 20,
35 but has not done so.

36 5. The policies for implementation of this section
37 shall be approved by the governor.

38 Sec. 172. STATE EMPLOYEES – STATE BOARD OF
39 REGENTS. For the fiscal year beginning July 1, 2013,
40 and ending June 30, 2014, funds from the appropriation
41 made from the general fund of the state in the section
42 of this division of this Act providing for funding of
43 collective bargaining agreements shall be allocated
44 to the state board of regents for the purposes
45 of providing increases for state board of regents
46 employees covered by such section of this division
47 of this Act and for state board of regents employees
48 not covered by a collective bargaining agreement as
49 follows:

50 1. For regents merit system employees and merit

1 supervisory employees to fund for the fiscal year
2 increases comparable to those provided for similar
3 contract-covered employees in this division of this
4 Act.

5 2. For faculty members and professional and
6 scientific employees to fund for the fiscal year
7 percentage increases comparable to those provided
8 for contract-covered employees in the university of
9 northern Iowa faculty bargaining unit.

10 Sec. 173. BONUS PAY. For the fiscal year beginning
11 July 1, 2013, and ending June 30, 2014, employees of
12 the executive branch, judicial branch, and legislative
13 branch shall not receive bonus pay unless otherwise
14 authorized by law, required pursuant to a contract
15 of employment entered into before July 1, 2013,
16 or required pursuant to a collective bargaining
17 agreement. This section does not apply to employees
18 of the state board of regents. For purposes of this
19 section, "bonus pay" means any additional remuneration
20 provided an employee in the form of a bonus, including
21 but not limited to a retention bonus, recruitment
22 bonus, exceptional job performance pay, extraordinary
23 job performance pay, exceptional performance pay,
24 extraordinary duty pay, or extraordinary or special
25 duty pay, and any extra benefit not otherwise provided
26 to other similarly situated employees.

27 Sec. 174. APPROPRIATIONS FROM ROAD FUNDS.

28 1. There is appropriated from the road use tax
29 fund to the salary adjustment fund for the fiscal year
30 beginning July 1, 2013, and ending June 30, 2014,
31 the following amount, or so much thereof as may be
32 necessary, to be used for the purpose designated:

33 To supplement other funds appropriated by the
34 general assembly:

35 \$ 565,089

36 2. There is appropriated from the primary road
37 fund to the salary adjustment fund, for the fiscal
38 year beginning July 1, 2013, and ending June 30, 2014,
39 the following amount, or so much thereof as may be
40 necessary, to be used for the purpose designated:

41 To supplement other funds appropriated by the
42 general assembly:

43 \$ 2,818,968

44 3. Except as otherwise provided in this division
45 of this Act, the amounts appropriated in subsections 1
46 and 2 shall be used to fund the annual pay adjustments,
47 expense reimbursements, and related benefits for public
48 employees as provided in this division of this Act.

49 Sec. 175. SPECIAL FUNDS — AUTHORIZATION. To
50 departmental revolving, trust, or special funds, except

1 for the primary road fund or the road use tax fund, for
2 which the general assembly has established an operating
3 budget, a supplemental expenditure authorization is
4 provided, unless otherwise provided, in an amount
5 necessary to fund salary adjustments as otherwise
6 provided in this division of this Act.

7 Sec. 176. GENERAL FUND SALARY MONEYS. Funds
8 appropriated from the general fund of the state for
9 distribution from the salary adjustment fund in the
10 section of this division of this Act providing for
11 funding of collective bargaining agreements and certain
12 noncontract state employee provisions relate only to
13 salaries supported from general fund appropriations of
14 the state. Funds appropriated from the general fund of
15 the state for employees of the state board of regents
16 relate only to salaries supported by tuition or from
17 general fund appropriations of the state and shall
18 exclude general university indirect costs and general
19 university federal funds.

20 Sec. 177. FEDERAL FUNDS APPROPRIATED. For the
21 fiscal year beginning July 1, 2013, all federal grants
22 to and the federal receipts of the agencies affected by
23 this division of this Act which are received and may be
24 expended for purposes of this division of this Act are
25 appropriated for those purposes and as set forth in the
26 federal grants or receipts.

27 Sec. 178. STATE TROOPER MEAL ALLOWANCE. For the
28 fiscal year beginning July 1, 2013, the sworn peace
29 officers in the department of public safety who are not
30 covered by a collective bargaining agreement negotiated
31 pursuant to chapter 20 shall receive the same per
32 diem meal allowance as the sworn peace officers in
33 the department of public safety who are covered by a
34 collective bargaining agreement negotiated pursuant to
35 chapter 20.

36 Sec. 179. SALARY MODEL ADMINISTRATOR. The salary
37 model administrator shall work in conjunction with
38 the legislative services agency to maintain the
39 state's salary model used for analyzing, comparing,
40 and projecting state employee salary and benefit
41 information, including information relating to
42 employees of the state board of regents. The
43 department of revenue, the department of administrative
44 services, the five institutions under the jurisdiction
45 of the state board of regents, the judicial district
46 departments of correctional services, and the state
47 department of transportation shall provide salary data
48 to the department of management and the legislative
49 services agency to operate the state's salary
50 model. The format and frequency of provision of the

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1 salary data shall be determined by the department of
2 management and the legislative services agency. The
3 information shall be used in collective bargaining
4 processes under chapter 20 and in calculating the
5 funding needs contained within the annual salary
6 adjustment legislation. A state employee organization
7 as defined in section 20.3, subsection 4, may request
8 information produced by the model, but the information
9 provided shall not contain information attributable to
10 individual employees.

11 Sec. 180. 2008 Iowa Acts, chapter 1191, section 14,
12 subsection 4, is amended to read as follows:

13 4. The following are range 4 positions: director
14 of the department of human rights, director of the
15 Iowa state civil rights commission, executive director
16 of the college student aid commission, director of
17 the department for the blind, executive director of
18 the ethics and campaign disclosure board, executive
19 director of the Iowa public information board,
20 members of the public employment relations board, and
21 chairperson, vice chairperson, and members of the board
22 of parole.>

23 2. By renumbering as necessary.

By ROBERT E. DVORSKY

S-3223 FILED MAY 7, 2013

ADOPTED

SENATE FILE 452

S-3227

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 60, line 16, by striking <by tuition or>

By ROBERT E. DVORSKY

S-3227 FILED MAY 7, 2013

ADOPTED

SENATE FILE 452

S-3228

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 4, before line 9 by inserting:

5 <Sec. _____. INTRASTATE TRANSPORT OF DEER INFECTED
6 BY CHRONIC WASTING DISEASE. Notwithstanding section
7 484B.12 or any other provision of law to the contrary,
8 during the fiscal year beginning July 1, 2013, the
9 department of natural resources or the department of
10 agriculture and land stewardship or both departments
11 shall allow one intrastate shipment of deer infected
12 with chronic wasting disease to be made from a location
13 in a county with a population between 44,000 and
14 44,200, as determined by the 2010 federal decennial
15 census, to a location in a second county with a
16 population between 8,700 and 8,900, as determined by
17 the 2010 federal decennial census for the sole purpose
18 of eradicating the chronic wasting disease positive
19 herd in a county with a population between 44,000 and
20 44,200, as determined by the 2010 federal decennial
21 census. Both the originating location of the shipment
22 and the destination location shall be chronic wasting
23 disease infected locations.>

24 2. By renumbering as necessary.

By DR. JOE M. SENG

S-3228 FILED MAY 7, 2013
WITHDRAWN

S-3229

1 Amend the Senate amendment, S-3223, to the House
2 amendment, S-3218, to Senate File 452, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION ____

6 MOTOR VEHICLE REGISTRATION FEE EQUITY

7 Sec. ____ Section 321.55, Code 2013, is amended to
8 read as follows:

9 321.55 Registration and financial liability coverage
10 required for certain vehicles owned or operated by
11 nonresidents.

12 1. A nonresident owner or operator engaged in
13 remunerative employment within ~~the~~ this state or
14 carrying on business within ~~the~~ this state and owning
15 or operating a motor vehicle, trailer, or semitrailer
16 within ~~the~~ this state shall register and maintain
17 financial liability coverage as required under section
18 321.20B for each vehicle and pay the same fees for
19 registration as are paid for like vehicles owned by
20 residents of this state. However, this ~~paragraph~~
21 subsection does not apply to a person commuting from
22 the person's residence in another state or whose
23 employment is seasonal or temporary, not exceeding
24 ninety days.

25 2. a. A nonresident owner of a motor vehicle
26 operated within ~~the~~ this state by a resident of
27 ~~the~~ this state shall register the vehicle and shall
28 maintain financial liability coverage as required
29 under section 321.20B for the vehicle. The nonresident
30 owner shall pay the same fees for registration as are
31 paid for like vehicles owned by residents of this
32 state. However, registration under this paragraph is
33 not required for vehicles being operated by residents
34 temporarily, ~~not exceeding~~ for not more than ninety
35 days. For purposes of this paragraph, a vehicle
36 is not operated in the state temporarily, and is
37 therefore subject to registration and the owner is
38 required to pay the applicable fees, if the vehicle
39 is located in Iowa for more than ninety consecutive
40 or nonconsecutive days and is operated on an Iowa
41 highway by an Iowa resident during that time. It is
42 unlawful for a resident to operate within the state an
43 unregistered motor vehicle required to be registered
44 under this paragraph. The ninety-day temporary period
45 of operation provided for under this paragraph does
46 not apply to a vehicle owned by a shell business as
47 provided in paragraph "b".

48 b. On or after July 1, 2013, if the department,
49 in consultation with the department of revenue,
50 determines that the nonresident owner of a vehicle is a

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partnership, limited liability company, or corporation that is a shell business, it shall be rebuttably presumed that the Iowa resident in control of the vehicle is the actual owner of the vehicle, that the vehicle is subject to registration in this state, and that payment of the fee for new registration for the vehicle is owed by the Iowa resident.

(1) Factors which indicate that a partnership, limited liability company, or corporation is a shell business include but are not limited to the following:

(a) The partnership, limited liability company, or corporation lacks a specific business activity or purpose.

(b) The partnership, limited liability company, or corporation fails to maintain a physical location in the foreign state.

(c) The partnership, limited liability company, or corporation fails to employ individual persons and provide those persons with internal revenue service form W-2 wage and tax statements.

(d) The partnership, limited liability company, or corporation fails to file federal tax returns, or fails to file a required state tax return in the foreign state.

(2) Factors which indicate that a person is in control of a vehicle include but are not limited to the following:

(a) The person was the initial purchaser of the vehicle.

(b) The person operated or stored the vehicle in Iowa for any period of time.

(c) The person is a partner, member, or shareholder of the nonresident partnership, limited liability company, or corporation that purports to be the owner of the vehicle.

(d) The person is insured to drive the vehicle.

(3) If the department determines that the nonresident owner of a vehicle is a shell business, the department shall notify the Iowa resident in control of the vehicle in writing that the Iowa resident is required to obtain an Iowa certificate of title and registration for the vehicle and pay the fee for new registration owed for the vehicle not later than thirty days from the date of the notice.

Sec. ____. Section 321.105A, subsection 7, Code 2013, is amended to read as follows:

7. Penalty for false statement or evasion of fee.

a. A person who willfully makes a false statement in regard to the purchase price of a vehicle subject to a fee for new registration or willfully attempts

1 in any manner to evade payment of the fee required by
2 this section is guilty of a fraudulent practice. A
3 person who willfully makes a false statement in regard
4 to the purchase price of such a vehicle with the intent
5 to evade payment of the fee for new registration or
6 willfully attempts in any manner to evade payment of
7 the fee required by this section shall be assessed
8 a penalty of seventy-five percent of the amount of
9 the fee unpaid and required to be paid on the actual
10 purchase price less trade-in allowance.

11 b. An Iowa resident found to be in control of
12 a vehicle which is owned by a shell business and
13 for which the fee for new registration has not been
14 paid, as provided in section 321.55, subsection 2, is
15 guilty of a fraudulent practice. An Iowa resident
16 found to be in control of a vehicle which is owned
17 by a shell business and for which the fee for new
18 registration has not been paid, as provided in section
19 321.55, subsection 2, shall be assessed a penalty of
20 seventy-five percent of the amount of the fee unpaid
21 and required to be paid on the actual purchase price
22 less trade-in allowance.

23 Sec. ____. REPEAL. Section 321.116, Code 2013, is
24 repealed.

25 Sec. ____. APPLICABILITY – PRIOR ELECTRIC VEHICLE
26 REGISTRATIONS.

27 1. Except as provided in subsection 2, the section
28 of this division of this Act that repeals section
29 321.116 applies to the registration of electric motor
30 vehicles for registration years beginning on or after
31 January 1, 2014.

32 2. For an annual renewal of registration for an
33 electric motor vehicle which was registered to the
34 same owner for a registration year beginning prior to
35 January 1, 2014, the annual registration fee shall be
36 according to the terms of section 321.116, Code 2013.>

37 2. By renumbering as necessary.

By TOD R. BOWMAN

SENATE FILE 452

S-3230

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 4, before line 9 by inserting:

5 <Sec. _____. CHRONIC WASTING DISEASE. The department
6 of agriculture and land stewardship shall devise a plan
7 for the eradication of chronic wasting disease in the
8 state.>

9 2. By renumbering as necessary.

By DR. JOE M. SENG

S-3230 FILED MAY 7, 2013
WITHDRAWN

SENATE FILE 452

S-3231

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION ____
6 INCOME TAX EXEMPTIONS

7 Sec. _____. Section 422.7, Code 2013, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 31A. a. Subtract, to the extent
10 included, retirement pay received by the taxpayer from
11 the federal government for military service performed
12 in the armed forces, the armed forces military reserve,
13 or national guard.

14 b. The exclusion of retirement pay under this
15 subsection is in addition to any exclusion provided
16 under subsection 31.

17 Sec. _____. Section 422.7, subsection 42A, Code 2013,
18 is amended to read as follows:

19 42A. Subtract, to the extent included, all pay
20 received by the taxpayer from the federal government
21 for military service ~~performed while on active duty~~
22 ~~status~~ in the armed forces, the armed forces military
23 reserve, or the national guard.

24 Sec. _____. RETROACTIVE APPLICABILITY. This division
25 of this Act applies retroactively to January 1, 2013,
26 for tax years beginning on or after that date.>

27 2. By renumbering as necessary.

By MARK CHELGREN
JACK WHITVER
DAN ZUMBACH
KEN ROZENBOOM
AMY SINCLAIR
DENNIS GUTH

KENT SORENSON
TIM L. KAPUCIAN
HUBERT HOUSER
NANCY J. BOETTGER
BRAD ZAUN
BILL ANDERSON

S-3231 FILED MAY 7, 2013
RULED OUT OF ORDER

SENATE FILE 452

S-3232

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 61, after line 22 by inserting:
5 <DIVISION ____
6 VERIFICATION OF SOCIAL SECURITY NUMBERS – DEPARTMENT
7 OF HUMAN SERVICES PUBLIC PROGRAMS
8 Sec. _____. VERIFICATION OF SOCIAL SECURITY NUMBERS
9 – DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The
10 department of human services shall adopt rules to
11 require that any program supported by public funds
12 under the department of human services shall require
13 verification by state or local staff, as applicable,
14 of the social security number of any applicant for
15 program services. The department shall incorporate the
16 verification requirement into all application processes
17 in the most cost-effective manner.>
18 2. By renumbering as necessary.

By MARK CHELGREN

S-3232 FILED MAY 7, 2013
LOST

S-3234

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION ____
6 PUBLIC ASSISTANCE - SUBSTANCE ABUSE SCREENING

7 Sec. ____ . NEW SECTION. 217.14 Public assistance
8 programs - substance abuse screening.

9 1. For the purposes of this section, unless the
10 context otherwise requires:

11 a. "Department" means the department of human
12 services.

13 b. "Public assistance program" means the food
14 assistance program or other food programs under chapter
15 234, the family investment program under chapter 239B,
16 or the medical assistance program under chapter 249A.

17 c. "Substance abuse screening program" or "screening
18 program" means the substance abuse screening program
19 administered pursuant to this section.

20 2. As a condition of eligibility for an adult
21 applicant or adult participant to receive public
22 assistance program benefits, the applicant or
23 participant shall, if not otherwise prohibited by state
24 or federal law, agree to participate in the substance
25 abuse screening program.

26 3. The department shall design and implement a
27 substance abuse screening program for adult applicants
28 for and adult participants in public assistance
29 programs. To the extent authorized under applicable
30 federal requirements, the program shall include but is
31 not limited to all of the following elements:

32 a. Periodic screening of the applicant's or
33 participant's blood or urine for the presence of a
34 controlled substance.

35 b. A blood or urine screening is performed prior to
36 the applicant's initial receipt of public assistance.

37 c. A subsequent blood or urine screening of a
38 participant is performed at least annually with random
39 assignment of a month in which the participant is
40 required to submit to the screening upon receipt of
41 notice from the department.

42 d. The results of the blood or urine screening
43 shall not be admissible in any criminal proceeding
44 without the consent of the person subject to the
45 screening.

46 e. Provision for the cost of the blood or urine
47 screening to be deducted from the public assistance
48 program benefits payable to the applicant or
49 participant.

50 f. Other design, operation, and standards

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1 provisions adopted in rule to ensure the program is
2 implemented in a fair and economical manner.
3 4. An adult applicant or adult participant shall be
4 ineligible for public assistance program benefits if
5 any of the following is applicable:
6 a. The applicant or participant does not
7 participate in the substance abuse screening program.
8 b. The applicant or participant tests positive in a
9 substance abuse test administered under the screening
10 program for the presence of either of the following:
11 (1) A substance listed in schedule I under section
12 124.204.
13 (2) A substance listed in schedule II, III, or
14 IV under chapter 124 that was not prescribed for the
15 applicant or participant.
16 c. The applicant or participant tests positive in a
17 substance abuse test administered under the screening
18 program and tests positive in or fails to take a
19 confirmatory test administered within two weeks of the
20 initial test.
21 5. An applicant or recipient ineligible for public
22 assistance benefits under subsection 4 may reapply for
23 the benefits upon successful completion of a substance
24 abuse treatment program approved by the department.>
25 2. By renumbering as necessary.

By MARK CHELGREN KENT SORENSON
BILL ANDERSON JACK WHITVER
MICHAEL BREITBACH AMY SINCLAIR

S-3234 FILED MAY 7, 2013
LOST

SENATE FILE 452

S-3235

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 4, after line 8 by inserting:
5 <Sec. _____. Section 3.1, subsection 1, Code 2013, is
6 amended by adding the following new paragraph:
7 NEW PARAGRAPH. d. Shall include a concise and
8 definite statement of the authority under the Iowa
9 constitution relied upon for the enactment of the
10 bill.>
11 2. By renumbering as necessary.

By RICK BERTRAND
KENT SORENSON

S-3235 FILED MAY 7, 2013
LOST

S-3236

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION ____

6 EDUCATION SAVINGS GRANTS

7 Sec. _____. Section 256.7, Code 2013, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 33. Adopt rules relating to
10 applications for an education savings grant pursuant
11 to section 257.11B, including application processing
12 timelines and information required to be submitted by a
13 parent or guardian.

14 Sec. _____. NEW SECTION. 257.11B Education savings
15 grant program.

16 1. Pupils eligible to enroll in grades kindergarten
17 through twelve and attending a nonpublic school or
18 receiving competent private instruction under chapter
19 299A shall be eligible to receive an education savings
20 grant in the manner provided in this section for school
21 years beginning on or after July 1, 2014. Education
22 savings grants shall be made available to parents and
23 guardians in the manner authorized under subsection 4,
24 paragraph "c", for the payment of qualified education
25 expenses as provided in this section.

26 2. a. (1) By January 31 preceding the school year
27 for which the education savings grant is requested, the
28 parent or guardian of the pupil requesting to receive
29 an education savings grant shall submit an application
30 to the department of education, on application forms
31 developed by the department, indicating that the parent
32 or guardian intends to enroll the pupil in a nonpublic
33 school or provide competent private instruction for the
34 pupil under chapter 299A.

35 (2) In addition to such information deemed
36 appropriate by the department of education, the
37 application shall require certification from the
38 nonpublic school of the pupil's enrollment for the
39 following school year or a statement indicating the
40 parent or guardian's intent to provide or arrange for
41 competent private instruction for the pupil for the
42 following school year.

43 b. By March 1 preceding the school year for
44 which the education savings grant is requested, the
45 department of education shall notify the department
46 of management of the number of pupils in each school
47 district designated for the following school year
48 to receive an education savings grant and the amount
49 of the education savings grant for each pupil. The
50 department of education shall also notify the parent

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1 or guardian of such pupils who are approved to receive
2 an education savings grant.

3 c. Education savings grants shall only be approved
4 for one school year and applications must be submitted
5 under paragraph "a" for education savings grants in
6 subsequent school years.

7 3. a. The department of management shall assign
8 each pupil an education savings grant in an amount
9 equal to the statewide average state foundation aid per
10 pupil in the same school year.

11 b. The department of management shall on July
12 1 following the determination of the amount of the
13 education savings grant for each approved pupil
14 transfer such amounts to the pupil's account in
15 the education savings grant fund established under
16 subsection 4. Such amount shall be available to the
17 pupil's parent or guardian in the manner authorized
18 under subsection 4, paragraph "c", for the payment of
19 qualified educational expenses incurred by such persons
20 for the pupil during that school year.

21 4. An education savings grant fund is created in
22 the state treasury under the control of the department
23 of management consisting of moneys appropriated to
24 the department for the purpose of providing education
25 savings grants under this section. For the fiscal
26 year commencing July 1, 2014, and each succeeding
27 fiscal year, there is appropriated from the general
28 fund of the state to the department of management to
29 be credited to the fund the amount necessary to pay
30 all education savings grants approved for that fiscal
31 year. The director of the department of management has
32 all powers necessary to carry out and effectuate the
33 purposes, objectives, and provisions of this section
34 pertaining to the fund, including the power to do all
35 of the following:

36 a. Make and enter into contracts necessary for the
37 administration of the fund.

38 b. Procure insurance against any loss in connection
39 with the assets of the fund or require a surety bond.

40 c. Contract with a private financial management
41 firm to manage the fund, in collaboration with the
42 treasurer of state, including providing for the
43 disbursement of education savings grants in the form
44 of an electronic debit card or checks that are payable
45 directly from the pupil's account within the fund.

46 d. Conduct audits or other review necessary to
47 properly administer the program.

48 e. Adopt rules pursuant to chapter 17A for the
49 administration of the fund and accounts within the
50 fund.

1 5. a. For each pupil approved for an education
2 savings grant, the department shall establish an
3 account for that pupil in the education savings grant
4 fund. The amount of the pupil's education savings
5 grant determined under subsection 3 shall be deposited
6 into the pupil's account on July 1 and such amount
7 shall be immediately available for the payment of
8 qualified education expenses incurred by the parent or
9 guardian for the pupil during that fiscal year using
10 the payment method authorized under subsection 4,
11 paragraph "c".

12 b. A nonpublic school or other entity that accepts
13 payment from a parent or guardian using funds from a
14 pupil's account in the education savings grant fund
15 shall not refund, rebate, or share any portion of such
16 payment with the parent, guardian, or pupil.

17 c. Moneys remaining in a pupil's account upon
18 conclusion of the fiscal year shall remain in the
19 pupil's account within the education savings grant
20 fund for the payment of qualified educational expenses
21 in future fiscal years or for the payment of higher
22 education costs under subsection 8.

23 6. For purposes of this section, "qualified
24 educational expense" includes tuition and fees at a
25 nonpublic school, textbooks, fees or payments for
26 tutoring or cognitive skills training, curriculum
27 materials, tuition or fees for nonpublic online
28 education programs, education materials and services
29 for pupils with disabilities, standardized test fees,
30 fees required by the department not to exceed for each
31 grant recipient five percent of the total grant amount
32 in any fiscal year, and other expenses incurred by the
33 parent or guardian that are directly related to the
34 education of the pupil at a nonpublic school, including
35 a nonpublic school accredited by an independent
36 accrediting agency approved by the department of
37 education, or directly related to providing competent
38 private instruction for the pupil under chapter 299A.

39 The cost of one computer or other portable computing
40 device shall be allowed as a qualified educational
41 expense for a pupil if such a purchase has not been
42 made using funds from that pupil's account in either of
43 the two immediately preceding fiscal years. "Qualified
44 educational expenses" do not include transportation
45 costs for the pupil, the cost of food or refreshments
46 consumed by the pupil, the cost of clothing for the
47 pupil, or the cost of disposable materials including
48 but not limited to paper, notebooks, pencils, pens, and
49 art supplies.

50 7. A person who makes a false claim for the purpose

1 of obtaining an education savings grant provided for
2 in this section or who knowingly receives the grant or
3 makes a payment from an account within the education
4 savings grant fund without being legally entitled to it
5 is guilty of a fraudulent practice. The false claim
6 for an education savings grant or a payment from an
7 account shall be disallowed and if amounts from the
8 grant have been disbursed from the applicable account
9 in the education savings grant fund, the department of
10 management shall initiate legal proceedings to recover
11 such amounts. A parent or guardian, or a pupil for
12 purposes of subsection 8, who violates this subsection
13 is prohibited from participating in the education
14 savings grant program in the future.

15 8. For each pupil with a positive balance in the
16 pupil's account in the education savings grant fund
17 upon graduation from high school or completion of an
18 equivalent level of competent private instruction
19 under chapter 299A, the department of management shall
20 maintain such account in the fund until the pupil is
21 twenty-five years of age. Following graduation from
22 high school until the pupil is twenty-five years of
23 age, moneys in the pupil's account may be used for
24 higher education costs, as defined in section 12D.1,
25 subsection 2, incurred by the pupil while attending an
26 institution of higher education under the control of
27 the state board of regents, a community college located
28 in this state, or a private college or university
29 located in this state. Payments from a pupil's account
30 for higher education costs shall be made in the same
31 manner as payments for qualified educational expenses
32 under subsection 5. Moneys in a pupil's account
33 when the pupil turns twenty-five years of age shall
34 be transferred by the department for deposit in the
35 general fund of the state.

36 9. This section shall not be construed to authorize
37 this state or any political subdivision of this state
38 to exercise authority over any nonpublic school or
39 pupil receiving competent private instruction under
40 chapter 299A or construed to require a nonpublic school
41 to modify its admissions or educational program in
42 order to receive payment from a parent or guardian
43 using funds from a pupil's account in the education
44 savings grant fund. A nonpublic school or entity
45 providing competent private instruction under chapter
46 299A, that accepts payment from a parent or guardian
47 using funds from a pupil's account in the education
48 savings grant fund is not an agent of this state or
49 other political subdivision of this state. Rules
50 adopted by the department to implement this section

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1 that impose an undue burden on a nonpublic school or
2 entity providing competent private instruction under
3 chapter 299A are invalid.

4 Sec. _____. APPLICABILITY. This division of this
5 Act applies to school budget years and fiscal years
6 beginning on or after July 1, 2014.>

7 2. By renumbering as necessary.

By JERRY BEHN

S-3236 FILED MAY 7, 2013

LOST

SENATE FILE 452

S-3237

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 4, after line 2 by inserting:

5 <Sec. _____. EXPANSION OF LAKE CAPACITY –

6 APPROPRIATION. There is appropriated from the
7 general fund of the state to the department of natural
8 resources for the fiscal year beginning July 1, 2013,
9 and ending June 30, 2014, the following amount, or
10 so much thereof as is necessary, to be used for the
11 purposes designated:

12 For the public purpose of distribution to a
13 municipal water utility for expanding the capacity of a
14 lake that serves as the primary water source for a city
15 with a population between 5,189 and 6,010 as determined
16 by the 2010 federal decennial census:

17 \$ 1,000,000

18 The moneys appropriated in this section shall be
19 matched by the recipient of the distributed moneys.>

20 2. By renumbering as necessary.

By JACK HATCH

S-3237 FILED MAY 7, 2013

LOST

SENATE FILE 452

S-3238

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 4, before line 9 by inserting:

5 <Sec. _____. CHRONIC WASTING DISEASE. The department
6 of agriculture and land stewardship and the department
7 of natural resources shall jointly devise a plan for
8 the eradication of chronic wasting disease in the
9 state.>

10 2. By renumbering as necessary.

By DR. JOE M. SENG

S-3238 FILED MAY 7, 2013

ADOPTED

SENATE FILE 452

S-3239

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 4, after line 8 by inserting:

5 <Sec. _____. TASK FORCE – DEPARTMENT OF EDUCATION.

6 1. There is established within the department of
7 education a personal financial literacy task force to
8 study the implementation of personal financial literacy
9 requirements as a high school graduation requirement.

10 2. The task force shall consist of eleven voting
11 members designated by the department. At least five
12 voting members shall have a background in education and
13 at least five voting members shall have a background
14 in finance.

15 3. The task force shall include four ex officio,
16 nonvoting members consisting of the following:

17 a. Two state senators, one appointed by the
18 majority leader of the senate and one appointed by the
19 minority leader of the senate from their respective
20 parties.

21 b. Two state representatives, one appointed by the
22 speaker and one appointed by the minority leader of the
23 house of representatives from their respective parties.

24 4. By November 13, 2013, the task force shall
25 file a report with the general assembly regarding the
26 findings and recommendations of the task force.

27 5. Members of the task force shall be reimbursed
28 for mileage expenses incurred while engaged in the
29 performance of official duties and shall receive per
30 diem compensation by the department. Mileage expenses
31 reimbursement and per diem compensation shall not
32 exceed a total of \$10,000 for the task force.>

33 2. By renumbering as necessary.

By TOD R. BOWMAN
ROBY SMITH

S-3239 FILED MAY 7, 2013
ADOPTED

SENATE FILE 452

S-3240

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 5, before line 47 by inserting:

5 <Sec. _____. Section 261.12, subsection 1, Code 2013,
6 is amended to read as follows:

7 1. The amount of a tuition grant to a qualified
8 full-time student for the fall and spring semesters, or
9 the trimester equivalent, shall be the amount of the
10 student's financial need for that period. However, a
11 tuition grant shall not exceed the ~~lesser of:~~

12 a. ~~The total tuition and mandatory fees for that~~
13 ~~student for two semesters or the trimester or quarter~~
14 ~~equivalent, less the base amount determined annually~~
15 ~~by the college student aid commission, which base~~
16 ~~amount shall be within ten dollars of the average~~
17 ~~tuition for two semesters or the trimester equivalent~~
18 ~~of undergraduate study at the state universities under~~
19 ~~the board of regents, but in any event the base amount~~
20 ~~shall not be less than four hundred dollars; or~~

21 b. ~~For the fiscal year beginning July 1, 2000, and~~
22 ~~for each following fiscal year, four thousand dollars.>~~

23 2. By renumbering as necessary.

By RANDY FEENSTRA

S-3240 FILED MAY 7, 2013

RULED OUT OF ORDER

S-3241

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, before line 23 by inserting:

5 <DIVISION ____
6 EMINENT DOMAIN

7 Sec. ____ . NEW SECTION. 6A.15 Property on state
8 historic registry.

9 1. Property listed on the state register of
10 historic places maintained by the historical division
11 of the department of cultural affairs shall not be
12 removed from the register solely for the purpose of
13 allowing acquisition of the property by condemnation,
14 unless such condemnation is undertaken by the
15 department of transportation.

16 2. Property listed on the state register of
17 historic places maintained by the historical division
18 of the department of cultural affairs shall not be
19 condemned by the state or a political subdivision
20 unless a joint resolution authorizing commencement of
21 the condemnation proceedings is approved by a vote of
22 at least two-thirds of the members of both chambers
23 of the general assembly and signed by the governor.
24 The approval requirements of this subsection shall not
25 apply to condemnation undertaken by the department of
26 transportation.

27 Sec. ____ . Section 6A.19, Code 2013, is amended to
28 read as follows:

29 6A.19 Interpretative clause.

30 A grant in this chapter of right to take private
31 property for a public use shall not be construed as
32 limiting a like grant elsewhere in the Code for another
33 and different use. Unless specifically provided by
34 law, this chapter shall not be construed to limit or
35 otherwise affect the application of chapters 478 and
36 479 to the eminent domain authority of the utilities
37 division of the department of commerce.

38 Sec. ____ . Section 6A.22, subsection 2, paragraph
39 c, subparagraph (1), Code 2013, is amended to read as
40 follows:

41 (1) (a) If private property is to be condemned for
42 development or creation of a lake, only that number
43 of acres justified as reasonable and necessary for
44 a surface drinking water source, and not otherwise
45 acquired, may be condemned. In addition, the acquiring
46 agency shall conduct a review of prudent and feasible
47 alternatives to provision of a drinking water source
48 prior to making a determination that such lake
49 development or creation is reasonable and necessary.
50 Development or creation of a lake as a surface drinking

1 water source includes all of the following:

2 (i) Construction of the dam, including sites for
3 suitable borrow material and the auxiliary spillway.

4 (ii) The water supply pool.

5 (iii) The sediment pool.

6 (iv) The flood control pool.

7 (v) The floodwater retarding pool.

8 (vi) The surrounding area upstream of the dam

9 no higher in elevation than the top of the dam's
10 elevation.

11 (vii) The appropriate setback distance required
12 by state or federal laws and regulations to protect
13 drinking water supply.

14 (b) For purposes of this subparagraph (1), "number
15 of acres justified as reasonable and necessary for
16 a surface drinking water source" means according to
17 guidelines of the United States natural resource
18 conservation service and according to analyses of
19 ~~surface~~ drinking water capacity needs conducted
20 by one or more registered professional engineers.
21 The registered professional engineers may, if
22 appropriate, employ standards or guidelines other
23 than the guidelines of the United States natural
24 resource conservation service when determining the
25 number of acres justified as reasonable and necessary
26 for a surface drinking water source. The data and
27 information used by the registered professional
28 engineers shall include data and information relating
29 to population and commercial enterprise activity for
30 the area from the two most recent federal decennial
31 censuses unless the district court of the county in
32 which the property is situated has determined by a
33 preponderance of the evidence that such data would
34 not accurately predict the population and commercial
35 enterprise activity of the area in the future.

36 (c) A second review or analysis of the drinking
37 water capacity needs shall be performed upon receipt
38 by the acquiring agency of a petition signed by not
39 less than twenty-five percent of the affected property
40 owners. The registered professional engineer to
41 perform the second review or analysis shall be selected
42 by a committee appointed by the affected property
43 owners and whose membership is comprised of at least
44 fifty percent property owners affected by the proposed
45 condemnation action. The acquiring agency shall be
46 responsible for paying the fees and expenses of such
47 an engineer.

48 (d) If private property is to be condemned for
49 development or creation of a lake, the plans, analyses,
50 applications, including any application for funding,

1 and other planning activities of the acquiring agency
2 shall not include or provide for the use of the lake
3 for recreational purposes.

4 Sec. _____. Section 6B.54, subsection 10, paragraph
5 a, Code 2013, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
8 reasonable costs not to exceed one hundred thousand
9 dollars, attributable to a determination that the
10 creation of a lake through condemnation includes a
11 future recreational use or that a violation of section
12 6A.22, subsection 2, paragraph "c", subparagraph (1),
13 subparagraph division (d), has occurred, if such fees
14 and costs are not otherwise provided under section
15 6B.33.

16 Sec. _____. NEW SECTION. 6B.56B Disposition of
17 condemned property – two-year time period.

18 1. When two years have elapsed since property
19 was condemned for the creation of a lake according
20 to the requirements of section 6A.22, subsection 2,
21 paragraph "c", subparagraph (1), and the property has
22 not been used for or construction has not progressed
23 substantially from the date the property was condemned
24 for the purpose stated in the application filed
25 pursuant to section 6B.3, and the acquiring agency has
26 not taken action to dispose of the property pursuant
27 to section 6B.56, the acquiring agency shall, within
28 sixty days, adopt a resolution offering the property
29 for sale to the prior owner at a price as provided in
30 section 6B.56. If the resolution adopted approves an
31 offer of sale to the prior owner, the offer shall be
32 made in writing and mailed by certified mail to the
33 prior owner. The prior owner has one hundred eighty
34 days after the offer is mailed to purchase the property
35 from the acquiring agency.

36 2. If the acquiring agency has not adopted a
37 resolution described in subsection 1 within the
38 sixty-day time period, the prior owner may, in writing,
39 petition the acquiring agency to offer the property
40 for sale to the prior owner at a price as provided in
41 section 6B.56. Within sixty days after receipt of
42 such a petition, the acquiring agency shall adopt a
43 resolution described in subsection 1. If the acquiring
44 agency does not adopt such a resolution within sixty
45 days after receipt of the petition, the acquiring
46 agency is deemed to have offered the property for sale
47 to the prior owner.

48 3. The acquiring agency shall give written notice
49 to the owner of the right to purchase the property
50 under this section at the time damages are paid to the

1 owner.

2 Sec. _____. Section 403.7, subsection 1, unnumbered
3 paragraph 1, Code 2013, is amended to read as follows:

4 A municipality shall have the right to acquire by
5 condemnation any interest in real property, including a
6 fee simple title thereto, which it may deem necessary
7 for or in connection with an urban renewal project
8 under this chapter, subject to the limitations on
9 eminent domain authority in ~~chapter~~ chapters 6A and 6B.
10 However, a municipality shall not condemn agricultural
11 land included within an economic development area
12 for any use unless the owner of the agricultural land
13 consents to condemnation or unless the municipality
14 determines that the land is necessary or useful for any
15 of the following:

16 Sec. _____. NEW SECTION. 423B.11 Use of revenues –
17 limitation.

18 The revenue raised by a local sales and services
19 tax imposed under this chapter by a county shall not
20 be expended for any purpose related to a project that
21 includes the condemnation of private property for
22 the creation of a lake according to the requirements
23 of section 6A.22, subsection 2, paragraph "c",
24 subparagraph (1), if the local sales and services tax
25 has not been approved at election in the area where the
26 property to be condemned is located.

27 Sec. _____. Section 455A.5, Code 2013, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 7. The authority granted to the
30 commission to acquire real property for purposes
31 of carrying out a duty related to development or
32 maintenance of the recreation resources of the state,
33 including planning, acquisition, and development of
34 recreational projects, and areas and facilities related
35 to such projects, shall not include the authority to
36 acquire real property by eminent domain.

37 Sec. _____. Section 456A.24, subsection 2, unnumbered
38 paragraph 1, Code 2013, is amended to read as follows:

39 Acquire by purchase, ~~condemnation~~, lease, agreement,
40 gift, and devise lands or waters suitable for the
41 purposes hereinafter enumerated, and rights-of-way
42 thereto, and to maintain the same for the following
43 purposes, ~~to-wit~~:

44 Sec. _____. Section 456A.24, Code 2013, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 15. The authority granted the
47 department to acquire real property for any statutory
48 purpose relating to the development or maintenance
49 of the recreation resources of the state, including
50 planning, acquisition, and development of recreational

1 projects, and areas and facilities related to such
2 projects, shall not include the authority to acquire
3 real property by eminent domain.

4 Sec. _____. Section 461A.7, Code 2013, is amended to
5 read as follows:

6 461A.7 ~~Eminent domain~~ Purchase of lands – public
7 parks.

8 The commission may purchase ~~or condemn~~ lands from
9 willing sellers for public parks. ~~No~~ A contract for
10 the purchase of such public parks shall not be made to
11 an amount in excess of funds appropriated therefor by
12 the general assembly.

13 Sec. _____. Section 461A.10, Code 2013, is amended to
14 read as follows:

15 461A.10 Title to lands.

16 The title to all lands purchased, ~~condemned~~, or
17 donated, hereunder, for park ~~or highway~~ purposes and
18 the title to all lands purchased, condemned, or donated
19 hereunder for highway purposes, shall be taken in the
20 name of the state and if thereafter it shall be deemed
21 advisable to sell any portion of the land so purchased
22 or condemned, the proceeds of such sale shall be placed
23 to the credit of the ~~said~~ public state parks fund to be
24 used for such park purposes.

25 Sec. _____. Section 463C.8, subsection 1, paragraph
26 k, Code 2013, is amended to read as follows:

27 k. The power to acquire, own, hold, administer,
28 and dispose of property, except that such power is not
29 a grant of authority to acquire property by eminent
30 domain.

31 Sec. _____. REPEAL. Sections 461A.9 and 461A.75,
32 Code 2013, are repealed.

33 Sec. _____. SEVERABILITY. If any provision of this
34 division of this Act is held invalid, the invalidity
35 shall not affect other provisions or applications of
36 this division of this Act which can be given effect
37 without the invalid provision, and to this end the
38 provisions of this division of this Act are severable
39 as provided in section 4.12.

40 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
41 of this Act, being deemed of immediate importance,
42 takes effect upon enactment.

43 Sec. _____. APPLICABILITY. Except as otherwise
44 provided in this division of this Act, this division
45 of this Act applies to projects or condemnation
46 proceedings pending or commenced on or after the
47 effective date of this division of this Act.

48 Sec. _____. RETROACTIVE APPLICABILITY.
49 Notwithstanding any provision of law to the contrary,
50 the following provisions of this division of this

1 Act apply retroactively to projects or condemnation
2 proceedings pending or commenced on or after February
3 15, 2013:

4 1. The section amending section 6A.22.

5 2. The section enacting section 6B.56B.>

6 2. By renumbering as necessary.

By MARK CHELGREN

JACK WHITVER

JAKE CHAPMAN

JONI ERNST

RICK BERTRAND

KENT SORENSON

S-3241 FILED MAY 7, 2013

RULED OUT OF ORDER

S-3242

1 Amend the amendment, S-3223, to the House amendment,
2 S-3218, to Senate File 452, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION ____

6 VOTER IDENTIFICATION REQUIREMENTS

7 Sec. _____. Section 39A.2, subsection 1, paragraph
8 b, Code 2013, is amended by adding the following new
9 subparagraph:

10 NEW SUBPARAGRAPH. (6) Falsely swears to an oath
11 required pursuant to section 49.77, subsection 3, or
12 an affidavit pursuant to section 49.81, subsection 5,
13 paragraph "b".

14 Sec. _____. Section 48A.7A, subsection 1, paragraph
15 a, Code 2013, is amended to read as follows:

16 a. A person who is eligible to register to vote
17 and to vote may register on election day by appearing
18 in person at the polling place for the precinct in
19 which the individual resides and completing a voter
20 registration application, making written oath, and
21 providing proof of identity and ~~residence~~ proof of
22 residence pursuant to paragraph "b".

23 Sec. _____. Section 48A.7A, subsection 1, paragraph
24 b, Code 2013, is amended by striking the paragraph and
25 inserting in lieu thereof the following:

26 b. (1) For purposes of this section, a person may
27 establish identity by showing proof of identification
28 as required in section 49.77, subsection 3.

29 (2) For purposes of this section, a person may
30 establish residence using a proof of identification
31 document described in section 49.77, subsection 3,
32 paragraph "b", if the proof of identification contains
33 the person's current address in the precinct. If the
34 proof of identification does not contain the person's
35 current address in the precinct, the person shall also
36 present one of the following documents that shows the
37 person's name and current address in the precinct:

38 (a) Utility bill.

39 (b) Bank statement.

40 (c) Paycheck.

41 (d) Government check.

42 (e) Other government document.

43 Sec. _____. Section 48A.7A, subsections 2 and 3, Code
44 2013, are amended to read as follows:

45 2. The oath required in subsection 1, paragraph
46 "a", and in paragraph "c", if applicable, shall be
47 executed on the same piece of paper and attached to the
48 voter registration application.

49 3. At any time before election day, and after the
50 deadline for registration in section 48A.9, a person

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1 who appears in person at the commissioner's office or
2 at a satellite absentee voting station or whose ballot
3 is delivered to a health care facility pursuant to
4 section 53.22 may register to vote and vote an absentee
5 ballot by following the procedure in this section
6 for registering to vote on election day. A person
7 who wishes to vote in person at the polling place on
8 election day and who has not registered to vote before
9 the deadline for registering in section 48A.9, is
10 required to register to vote at the polling place on
11 election day following the procedure in this section.
12 However, the person may complete the voter registration
13 application at the commissioner's office and, after the
14 commissioner has reviewed the completed application,
15 may present the application to the appropriate precinct
16 election official along with proof of ~~identity and~~
17 ~~residency~~ identification and proof of residence.

18 Sec. _____. Section 48A.8, subsection 2, unnumbered
19 paragraph 1, Code 2013, is amended to read as follows:

20 An eligible elector who registers by mail and who
21 has not previously voted in an election for federal
22 office in the county of registration shall be required
23 to provide additional identification documents when
24 voting for the first time in the county, unless the
25 registrant provided on the registration form the
26 registrant's Iowa driver's license number, or the
27 registrant's Iowa nonoperator's identification card
28 number, or the last four numerals of the registrant's
29 social security number and the driver's license,
30 nonoperator's identification, or partial social
31 security number matches an existing state or federal
32 identification record with the same number, name, and
33 date of birth. If the registrant is required to show
34 additional identification under this subsection and
35 votes in person at the polls, or by absentee ballot
36 at the commissioner's office or at a satellite voting
37 station, the registrant shall provide a current and
38 valid photo identification card, or shall present to
39 the appropriate election official one of the following
40 current documents that shows the name and address of
41 the registrant:

42 Sec. _____. Section 48A.8, subsection 4, Code 2013,
43 is amended to read as follows:

44 4. A registrant under subsection 2 who is required
45 to present additional identification when casting
46 a ballot in person shall be permitted to vote a
47 provisional ballot if the voter does not provide the
48 required additional identification documents pursuant
49 to subsection 2. If a voter who is required to present
50 such additional identification when casting a ballot

1 votes an absentee ballot by mail, the ballot returned
2 by the voter shall be considered a provisional ballot
3 pursuant to sections 49.81 and 53.31.

4 Sec. _____. Section 48A.27, subsection 4, paragraph
5 c, subparagraph (2), Code 2013, is amended to read as
6 follows:

7 (2) The notice shall contain a statement in
8 substantially the following form:

9 Information received from the United States postal
10 service indicates that you are no longer a resident of,
11 and therefore not eligible to vote in (name of county)
12 County, Iowa. If this information is not correct,
13 and you still live in (name of county) County, please
14 complete and mail the attached postage paid card at
15 least ten days before the primary or general election
16 and at least eleven days before any other election at
17 which you wish to vote. If the information is correct
18 and you have moved, please contact a local official
19 in your new area for assistance in registering there.
20 ~~If you do not mail in the card, you may be required~~
21 ~~to show identification before being allowed to vote~~
22 ~~in (name of county) County.~~ If you do not return the
23 card, and you do not vote in an election in (name of
24 county) County, Iowa, on or before (date of second
25 general election following the date of the notice) your
26 name will be removed from the list of voters in that
27 county.

28 Sec. _____. Section 48A.29, subsection 1, paragraph
29 b, Code 2013, is amended to read as follows:

30 b. The notice shall contain a statement in
31 substantially the following form:

32 Information received from the United States postal
33 service indicates that you are no longer a resident
34 of (residence address) in (name of county) County,
35 Iowa. If this information is not correct, and you
36 still live in (name of county) County, please complete
37 and mail the attached postage paid card at least ten
38 days before the primary or general election and at
39 least eleven days before any other election at which
40 you wish to vote. If the information is correct, and
41 you have moved, please contact a local official in your
42 new area for assistance in registering there. ~~If you~~
43 ~~do not mail in the card, you may be required to show~~
44 ~~identification before being allowed to vote in (name~~
45 ~~of county) County.~~ If you do not return the card, and
46 you do not vote in some election in (name of county)
47 County, Iowa, on or before (date of second general
48 election following the date of the notice) your name
49 will be removed from the list of voters in that county.

50 Sec. _____. Section 48A.29, subsection 3, paragraph

1 b, Code 2013, is amended to read as follows:

2 b. The notice shall contain a statement in
3 substantially the following form:

4 Information received by this office indicates that
5 you are no longer a resident of (residence address) in
6 (name of county) County, Iowa. If the information is
7 not correct, and you still live at that address, please
8 complete and mail the attached postage paid card at
9 least ten days before the primary or general election
10 and at least eleven days before any other election at
11 which you wish to vote. If the information is correct,
12 and you have moved within the county, you may update
13 your registration by listing your new address on the
14 card and mailing it back. If you have moved outside
15 the county, please contact a local official in your
16 new area for assistance in registering there. ~~If you~~
17 ~~do not mail in the card, you may be required to show~~
18 ~~identification before being allowed to vote in (name~~
19 ~~of county) County.~~ If you do not return the card, and
20 you do not vote in some election in (name of county)
21 County, Iowa, on or before (date of second general
22 election following the date of the notice) your name
23 will be removed from the list of registered voters in
24 that county.

25 Sec. ____ Section 49.53, subsection 1, Code 2013,
26 is amended to read as follows:

27 1. The commissioner shall not less than four
28 nor more than twenty days before the day of each
29 election, except those for which different publication
30 requirements are prescribed by law, publish notice of
31 the election. The notice shall contain a facsimile
32 of the portion of the ballot containing the first
33 rotation as prescribed by section 49.31, subsection 2,
34 and shall show the names of all candidates or nominees
35 and the office each seeks, and all public questions,
36 to be voted upon at the election. The sample ballot
37 published as a part of the notice may at the discretion
38 of the commissioner be reduced in size relative to
39 the actual ballot but such reduction shall not cause
40 upper case letters appearing in candidates' names
41 or in summaries of public measures on the published
42 sample ballot to be less than nine point type. The
43 notice shall also state the date of the election, the
44 hours the polls will be open, that all voters will be
45 required to show proof of identification before casting
46 a ballot, the location of each polling place at which
47 voting is to occur in the election, and the names of
48 the precincts voting at each polling place, but the
49 statement need not set forth any fact which is apparent
50 from the portion of the ballot appearing as a part of

1 the same notice. The notice shall include the full
2 text of all public measures to be voted upon at the
3 election.

4 Sec. _____. Section 49.77, subsection 3, Code 2013,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 3. a. A precinct election official shall
8 require the voter to present for inspection proof of
9 identification before being allowed to vote.

10 b. For purposes of this section, "proof of
11 identification" refers to a document that satisfies all
12 of the following:

13 (1) The document shows the name of the individual
14 to whom the document was issued which shall conform to
15 the name on the election register.

16 (2) The document shows a photograph of the
17 individual to whom it was issued.

18 (3) The document was issued by the government of
19 the United States, the state of Iowa, an Iowa public
20 or private university or college, an Iowa secondary
21 school, or a political subdivision of the state of
22 Iowa. In the case of a document issued by a political
23 subdivision, the document shall be issued not later
24 than the close of voter registration for the applicable
25 election as set forth in section 48A.9 and shall
26 meet all other requirements established by the state
27 commissioner by rule.

28 c. In lieu of paragraph "b", a person wishing to
29 vote may establish proof of identity by written oath
30 of the person wishing to vote and of an attesting
31 person who provides proof of identification pursuant
32 to paragraph "b". The oath shall be in the form
33 prescribed by the state commissioner of elections
34 and shall state the identity and attest to the stated
35 identity of the person wishing to vote. The oath
36 must be signed by the attesting person and the person
37 wishing to vote in the presence of the appropriate
38 precinct election official. A person who has signed an
39 oath attesting to a person's identity as provided in
40 this paragraph is prohibited from signing any further
41 oaths as provided in this paragraph for the same
42 election. The oath shall advise the person wishing to
43 vote and the attesting person that falsely signing such
44 an oath or falsely attesting to a voter's identity is
45 a class "D" felony.

46 d. The commissioner shall, within forty-five days
47 after each election, review all attestations received
48 under this subsection and if any individual is found to
49 have attested for more than one voter in a particular
50 election, the commissioner shall immediately notify the

1 state commissioner and the county attorney.

2 Sec. _____. Section 49.77, Code 2013, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. If proof of identification
5 or proof of identity is established under subsection 3,
6 the person shall be allowed to vote.

7 b. If a person is unable or refuses to present
8 proof of identification, or the precinct election
9 official determines the proof of identification
10 presented by the person does not qualify as proof of
11 identification under subsection 3, paragraph "b",
12 or proof of identity under subsection 3, paragraph
13 "c", the person shall be offered the option to vote a
14 ballot, but only in accordance with section 49.81.

15 Sec. _____. Section 49.77, subsection 4, paragraph a,
16 Code 2013, is amended to read as follows:

17 a. A person whose name does not appear on the
18 election register of the precinct in which that person
19 claims the right to vote shall not be permitted to
20 vote, unless the person affirms that the person is
21 currently registered in the county ~~and presents proof~~
22 ~~of identity~~, or the commissioner informs the precinct
23 election officials that an error has occurred and that
24 the person is a registered voter of that precinct, and
25 the person presents proof of identification pursuant
26 to subsection 3. If the commissioner finds no record
27 of the person's registration but the person insists
28 that the person is a registered voter of that precinct,
29 the precinct election officials shall allow the person
30 to cast a ballot in the manner prescribed by section
31 49.81.

32 Sec. _____. Section 49.81, subsection 1, Code 2013,
33 is amended to read as follows:

34 1. A prospective voter who is prohibited under
35 section 48A.8, subsection 4, section 49.77, subsection
36 3A, paragraph "b", section 49.77, subsection 4, section
37 49.80, or section 53.19, subsection 3, or section 53.22,
38 subsection 1, paragraph "d", from voting except under
39 this section shall be notified by the appropriate
40 precinct election official that the voter may cast a
41 provisional ballot. The voter shall mark the ballot
42 and immediately seal it in an envelope of the type
43 prescribed by subsection 4. The voter shall deliver
44 the sealed envelope to a precinct election official who
45 shall deposit it in an envelope marked "provisional
46 ballots". The ballot shall be considered as having
47 been cast in the special precinct established by
48 section 53.20 for purposes of the postelection canvass.

49 Sec. _____. Section 49.81, subsection 2, paragraph b,
50 Code 2013, is amended to read as follows:

1 b. If the person is casting a provisional ballot
2 because the person ~~failed~~ was unable or refused to
3 provide a required form of identification pursuant to
4 section 48A.8, subsection 4, section 49.77, subsection
5 3A, paragraph "b", section 49.77, subsection 4, or
6 section 53.22, subsection 1, paragraph "d", a list of
7 the types of acceptable identification and notification
8 that the person must show identification before the
9 ballot can be counted.

10 Sec. _____. Section 49.81, Code 2013, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 5. a. If a voter casts a
13 provisional ballot pursuant to section 49.77,
14 subsection 3A, paragraph "b", the precinct election
15 official shall indicate on the provisional ballot
16 envelope that the voter is casting a provisional ballot
17 due to the voter's inability or refusal to present
18 proof of identification.

19 b. At the time a provisional ballot is cast the
20 voter may also execute an affidavit in the form
21 prescribed by the state commissioner which shall be
22 attached to the provisional ballot envelope, affirming
23 that the voter is the person the voter claims to be and
24 further affirming either of the following:

25 (1) The voter is indigent and is unable to obtain
26 proof of identification without the payment of a fee.

27 (2) The voter has a religious objection to being
28 photographed.

29 c. A provisional ballot cast pursuant to section
30 49.77, subsection 3A, paragraph "b", which is
31 accompanied by an affidavit executed pursuant to
32 paragraph "b" of this subsection shall be presumed
33 valid by the special precinct board and shall be
34 counted unless additional written statements or
35 documents are delivered to the commissioner's office
36 prior to the date provisional ballots are considered
37 by the special precinct election board and the special
38 precinct election board determines such additional
39 evidence successfully rebuts the presumption of
40 validity.

41 Sec. _____. Section 53.10, subsection 2, Code 2013,
42 is amended to read as follows:

43 2. Each person who wishes to vote by absentee
44 ballot at the commissioner's office shall first sign
45 an application for a ballot including the following
46 information: name, current address, and the election
47 for which the ballot is requested. The person may
48 report a change of address or other information on
49 the person's voter registration record at that time.
50 The person must also provide proof of identification

1 pursuant to section 49.77, subsection 3, or be offered
2 the option to vote a provisional ballot pursuant to
3 section 49.77, subsection 3A, paragraph "b", before
4 receiving an absentee ballot. Upon receipt of the
5 absentee ballot, the registered voter shall immediately
6 mark the ballot; enclose the ballot in a secrecy
7 envelope, if necessary, and seal it in an affidavit
8 envelope; subscribe to the affidavit on the reverse
9 side of the envelope; and return the absentee ballot
10 to the commissioner. The commissioner shall record
11 the numbers appearing on the application and affidavit
12 envelope along with the name of the registered voter.

13 Sec. _____. Section 53.22, subsection 1, Code 2013,
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. d. Before receiving a ballot
16 under this subsection, each applicant shall present
17 proof of identification pursuant to section 49.77,
18 subsection 3, to the special precinct election board
19 members. If an applicant is unable to present proof of
20 identification, the applicant shall have an opportunity
21 to execute an affidavit in the form prescribed by the
22 state commissioner of elections affirming that the
23 voter does not have and is unable to obtain proof
24 of identification and that the voter resides in a
25 hospital or health care facility and is casting a
26 ballot pursuant to this section. If the applicant
27 refuses to execute an affidavit, the voter's ballot
28 shall be considered a provisional ballot cast pursuant
29 to section 49.81.

30 Sec. _____. Section 321.190, subsection 1, paragraph
31 d, Code 2013, is amended to read as follows:

32 d. The fee for a nonoperator's identification card
33 shall be five dollars and the card shall be valid for
34 a period of five years from the date of issuance. A
35 nonoperator's identification card shall be issued
36 without expiration to anyone age seventy or over. If
37 an applicant for a nonoperator's identification card
38 is a foreign national who is temporarily present in
39 this state, the nonoperator's identification card
40 shall be issued only for the length of time the foreign
41 national is authorized to be present as determined by
42 the department, not to exceed two years. An issuance
43 fee shall not be charged for a person whose driver's
44 license or driving privilege has been suspended
45 under section 321.210, subsection 1, paragraph
46 "a", subparagraph (3), or for a person obtaining an
47 identification card to be used under section 49.77,
48 subsection 3, for voting purposes. Identification
49 cards obtained for voting purposes shall be labeled by
50 the department as "For Voting Purposes Only".

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Page 9

1 Sec. _____. APPLICABILITY. This division of this Act
2 applies to elections held on or after January 1, 2015.>
3 2. By renumbering as necessary.

By JONI ERNST	RICK BERTRAND
BILL ANDERSON	MARK CHELGREN
RANDY FEENSTRA	JACK WHITVER
DAVID JOHNSON	JAKE CHAPMAN
MARK SEGEBART	SANDRA H. GREINER
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DAN ZUMBACH	KENT SORENSON
MICHAEL BREITBACH	ROBY SMITH
JERRY BEHN	DENNIS GUTH
AMY SINCLAIR	HUBERT HOUSER
KEN ROZENBOOM	BILL DIX

S-3242 FILED MAY 7, 2013
LOST

SENATE FILE 452

S-3243

1 Amend the amendment, [S-3223](#), to the House amendment,
2 [S-3218](#), to [Senate File 452](#), as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 61, after line 22 by inserting:
5 <DIVISION ____
6 TUITION GRANT AMOUNTS
7 Sec. _____. Section 261.12, subsection 1, paragraph
8 b, Code 2013, is amended by striking the paragraph and
9 inserting in lieu thereof the following:
10 b. For the fiscal year beginning July 1, 2013, and
11 for each following fiscal year, five thousand dollars.>
12 2. By renumbering as necessary.

By ROBERT M. HOGG

S-3243 FILED MAY 7, 2013
ADOPTED

HOUSE FILE 119

S-3221

1 Amend House File 119, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 232.71C, subsection 1, Code
6 2013, is amended to read as follows:

7 1. If, upon completion of an assessment performed
8 under section 232.71B, the department determines
9 that the best interests of the child require juvenile
10 court action, the department shall act appropriately
11 to initiate the action. If at any time during the
12 assessment process the department believes court action
13 is necessary to safeguard a child, the department shall
14 act appropriately to initiate the action. The county
15 attorney shall assist the department ~~as provided under~~
16 ~~section 232.90, subsection 2.~~

17 Sec. 2. Section 232.90, Code 2013, is amended to
18 read as follows:

19 232.90 Duties of county attorney.

20 1. As used in this section, "state" means the
21 general interest held by the people in the health,
22 safety, welfare, and protection of all children living
23 in this state.

24 ~~1.~~ 2. The county attorney shall represent the
25 state in proceedings arising from a petition filed
26 under this division and shall present evidence in
27 support of the petition. The county attorney shall
28 be present at proceedings initiated by petition under
29 this division filed by an intake officer or the county
30 attorney, or if a party to the proceedings contests
31 the proceedings, or if the court determines there
32 is a conflict of interest between the child and the
33 child's parent, guardian, or custodian or if there are
34 contested issues before the court.

35 ~~2.~~ 3. ~~The county attorney shall represent the~~
36 ~~department in proceedings arising under this division.~~
37 ~~However, if~~ If there is disagreement between the
38 department and the county attorney regarding the
39 appropriate action to be taken, the department may
40 request ~~to~~ that the state be represented by the
41 attorney general in place of the county attorney. If
42 the state is represented by the attorney general,
43 the county attorney may continue to appear in the
44 proceeding and may present the position of the county
45 attorney regarding the appropriate action to be taken
46 in the case.

47 4. The county attorney shall comply with the
48 requirements of chapter 232B and the federal Indian
49 Child Welfare Act, Pub. L. No. 95-608, when either
50 chapter 232B or the federal Indian Child Welfare Act

S-3221

1 is determined to be applicable in any proceeding under
2 this division.

3 Sec. 3. Section 232.114, Code 2013, is amended to
4 read as follows:

5 232.114 Duties of county attorney.

6 1. As used in this section, "state" means the
7 general interest held by the people in the health,
8 safety, welfare, and protection of all children living
9 in this state.

10 ~~1- 2.~~ Upon the filing of a petition the county
11 attorney shall represent the state in all adversary
12 proceedings arising under this division and shall
13 present evidence in support of the petition.

14 ~~2- 3. The county attorney shall represent the~~
15 ~~department in proceedings arising under this division.~~
16 ~~However, if~~ If there is disagreement between the
17 department and the county attorney regarding the
18 appropriate action to be taken, the department may
19 request ~~to~~ that the state be represented by the
20 attorney general in place of the county attorney. If
21 the state is represented by the attorney general,
22 the county attorney may continue to appear in the
23 proceeding and may present the position of the county
24 attorney regarding the appropriate action to be taken
25 in the case.

26 4. The county attorney shall comply with the
27 requirements of chapter 232B and the federal Indian
28 Child Welfare Act, Pub. L. No. 95-608, when either
29 chapter 232B or the federal Indian Child Welfare Act
30 is determined to be applicable in any proceeding under
31 this division.>

By ROBERT M. HOGG

S-3222

1 Amend House File 590, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by striking lines 28 through 35 and
4 inserting:

5 <13. Court-ordered and voluntary services. The
6 department shall provide or arrange for and monitor
7 services for abused children and their families on a
8 voluntary basis or under a final or intermediate order
9 of the juvenile court. The department may provide
10 or arrange for and monitor services for children and
11 their families on a voluntary basis for cases in which
12 a family assessment is completed.>

13 2. Page 7, after line 17 by inserting:

14 <NEW SUBSECTION. 13A. Safety issue. If the
15 department determines that a safety issue continues
16 to require a child to reside outside of the child's
17 home at the conclusion of a family assessment, the
18 department shall transfer the assessment to the child
19 abuse assessment pathway for a disposition.

20 NEW SUBSECTION. 13B. Conclusion of family
21 assessment. At the conclusion of a family assessment,
22 the department shall transfer the case, if appropriate,
23 to a contracted provider to review the service plan for
24 the child and family. The contracted provider shall
25 make a referral to the department abuse hotline if a
26 family's noncompliance with a service plan places a
27 child at risk. If any of the criteria for child abuse
28 as defined in section 232.68, subsection 2, paragraph
29 "a", are met, the department shall commence a child
30 abuse assessment. If any of the criteria for a child
31 in need of assistance, as defined in section 232.2,
32 subsection 6, are met, the department shall determine
33 whether to request a child in need of assistance
34 petition.>

35 3. Page 7, after line 23 by inserting:

36 <NEW SUBSECTION. 17. Quality assurance. The
37 department shall engage external stakeholders,
38 including but not limited to representatives of
39 the county attorneys' offices, service providers,
40 and parent partners to develop a quality assurance
41 component to the differential response system.>

42 4. Page 11, line 28, by striking <(6), or (7)> and
43 inserting <or (6)>

44 5. Page 11, line 35, by striking <(6), or (7)> and
45 inserting <or (6)>

46 6. By renumbering, redesignating, and correcting
47 internal references as necessary.

By WILLIAM A. DOTZLER, JR.